



August 24, 2020

Town of Kent Planning Board
Kent Town Centre
25 Sybil's Crossing
Lake Carmel, New York 10512

RE: Kent Development Associates – Commercial Lot & Timber Harvest Project
Site Plan, Steep Slopes / Stormwater Management,
Freshwater Wetlands Permit & Lot Line Adjustment
N. Horsepound Road & Peckslip Road
Town of Kent, New York
Tax Map No. 12.-1-38 & 42

Dear Chairman Tolmach and Members of the Board:

At the previous Planning Board meeting, the consultants asked that the applicant, Mr. Richard Esposito of Kent Development Associates, Inc., to provide one complete application and submission package to be reviewed for the properties known as Tax Map #12.-1-38 (N. Horsepound Road parcel) and Tax Map # 12.-1-42 (Peckslip Road/Route 52 parcel). The enclosed submission illustrates the proposed timber harvest on the Peckslip Road parcel, the lot line adjustment between both parcels and the site development on the N. Horsepound Road parcel.

Enclosed please find fourteen (14) copies of the following documents in support of a Site Plan, Steep Slopes / Stormwater Management, Freshwater Wetlands Permit & Lot Line Adjustment application for the above-referenced project:

- Site Plan Drawings (7 Sheets total), last revised August 24, 2020 (5 full-size copies and 9 reduced-size copies).
- Lot Line Adjustment Map, as prepared by Terry Bergendorff Collins (5 full-size copies and 9 reduced-size copies), provided under separate cover.
- Drawing SS-1, "Steep Slopes and Soils Map", dated August 24, 2020.
- Short Environmental Assessment Form, revised August 24, 2020.
- Stormwater Pollution Prevention Plan (SWPPP), dated August 24, 2020. (4 copies)
- Notice of Intent (NOI).
- Town of Kent Zoning Board of Appeals Variance Application and Supporting Documents.
- Phase 1A, "Literature Review and Phase 1B Archaeological Field Reconnaissance Survey", dated January 2007. (4 copies)

Based on the Consultant's comments and discussions at the meeting, the site plans have been substantially redesigned to relocate the proposed building to be setback an additional 15 feet from the rear property line as requested.

With regard to comments received from the Town Consultants, we offer the following:

Memorandum from Liz Axelson, AICP of CPL Architecture, Engineering and Planning, dated August 13, 2020:

1. Statement acknowledged. We would like to clarify that the proposed building is a 10,000 square foot building footprint, with a 1,200 square foot second floor mezzanine.
2. Statement acknowledged. No response necessary.
3. Statement acknowledged. No response necessary.
4. The EAF description of action will be revised to state that the revision of the site plan will meet zoning requirements.
5. The response to question 3.a has been revised to be 51.72 acres.
6. A Phase 1A / 1B was already prepared for this property as part of the Hilltop Estates Subdivision submission. A copy of that study is included with this submission.
7. It is our understanding that this current submission is a complete application. It is requested that the Planning Board declare their intent to be lead agency at the next Planning Board meeting.
8. – 15. The referenced comments numbers 8 through 15 deal with the same matter, namely the correct treatment of the variance granted by the Town of Kent Zoning Board of Appeals (ZBA) decision dated October 15, 2018 and are therefore treated collectively in this reply.

That decision of the ZBA concerns action taken under §77-5(A)(3) of the Town Code which authorizes the ZBA to extend the regulations of the IOC District portion of the commercial lot into the R-40 District portion of the proposed lot. Per the written decision of the ZBA a variance was granted to "*vary the maximum distance from 50' to 140' for an extension of zoning district boundary into a less restricted zone.*" While the written decision speaks of extension of the zoning district boundary the permission granted pursuant to §77-5(A)(3) is to allow the application of the IOC District regulations a distance of 140 feet from the existing IOC District and R-40 District zoning boundary that bisects the commercial lot. It is not permission to relocate the zoning district boundary, but rather is a permission to treat the proposed additional area of the commercial lot located within the R-40 District as if the entirety of the lot were located in the IOC District. This would include all provisions of the IOC District lot and bulk requirements and design standards. The proposed site plan has been amended to correct the labels as to the correct location of the zoning district boundaries and to conform the proposed commercial development with the IOC District regulations on both sides of those zoning boundaries. A waiver from the buffer landscaping requirements of §77-26(A)(1) is no longer requested.

16. The 0.8-acre located in the R-40 parcel to be conveyed to the IOC parcel has been relabeled to be 0.837 acres to match the Lot Line Adjustment Map.
17. A note has been added to the 0.837-acre area to reference General Note #3. General Note #3 has been revised in the last line to state "...extension of IOC zoning district regulations".
18. The note "relocated zone boundary" has been replaced with a note stating, "area of extended IOC district regulations".
19. The IOC zoning table has been revised as follows:
 - a. The asterisk next to the IOC zoning requirements table label has been removed.
 - b. The maximum building height has been revised to state 3 stories or 40 feet.
 - c. The label for "provided" has been revised to "proposed".

- d. A note explaining that the proposed values are based on the 4.097±-acre lot resulting from the proposed lot line revision has been added.
- e. The minimum yards have been revised to include an extended rear yard setback of 55 feet (40 foot + 15 foot) and an extended side yard setback of 35 feet (20 feet + 15 feet).
- f. The proposed lot width for the commercial lot has been revised to be the same as the lot frontage, 357 feet.
- g. The actual value in feet for the proposed building height is still to be determined. An architect has not yet been selected for the proposed building. Upon selection of a project architect, specific building plans will be submitted for the Board's review. The actual building height will be designed to conform with the appropriate zoning requirements.
- h. The proposed maximum building coverage has been revised to 6%.
- i. The following is a list of the proposed impervious areas for the project:

Impervious Type	Quantity
Proposed Building	10,000 s.f.
Proposed Driveway	10,650 s.f.
Proposed Dumpster Enclosure	110 s.f.
Proposed Parking Lot	9,050 s.f.
	Proposed Square Foot 29,810 s.f. ÷ 178,615 s.f. lot total = 17% Impervious Coverage

- j. A row has been added for the minimum distance of accessory buildings and uses.
- 20. The required setbacks were already provided on the previously submitted site plan layout. We have provided the setbacks in a darker line type for clarity.
 - 21. The site plan has been revised to comply with the accessory building and use setback of 25 feet.
 - 22. In accordance with the Planning Board's application checklist a "Completed bulk zoning table" . . . "must be included on the site plan". Inasmuch as no site plan is shown on the remaining ±47 acres of R-40 District land owned by the applicant, and as previously discussed the October 15, 2018 decision of the ZBA allows the application of the IOC District regulations to the entirety of the proposed commercial lot, a bulk table for the R-40 District regulations is not required under the Planning Board's application rules.
 - 23. All proposed impervious surfaces have been labeled.
 - 24. Drawing OP-1 has been provided showing the entire project site including both parcels (proposed commercial site plan lot and timber harvest lot). A note has been added on the same drawing estimating the existing number of trees per acre and the estimated approximate number of trees per acre to be selectively harvested.
 - 25. General Note #1 has been added on Drawing SP-1 referring to Drawing OP-1 described above.
 - 26. Landscaping has been provided on Drawing SP-1.
 - a. Evergreen plantings have been provided for the side yards where existing vegetation could not be maintained along a property line abutting a residential zoning district.

- b. There will be no timber harvesting proposed on the North Horsepound Road commercial lot. Existing trees to remain on the commercial lot are shown on Drawing SP-1. The proposed landscaping has been designed in accordance with zoning §77-26.A.25 to stream off street parking lots, loading areas, and outdoor storage areas from public streets.
- 27. General Note #5 on Drawing OP-1 has been provided stating that proposed utilities will be placed underground.
- 28. A dumpster enclosure detail has been provided on Drawing D-2.
- 29. A detail for the proposed bollards is provided on Drawing D-2.
- 30. We will gladly provide an illustration or rendering of use of the higher boulder wall, but we are unclear as to which wall you are referring to. Higher in height, higher in elevation? Please clarify.
- 31. A waiver of §77-26.A.(5) is formerly requested to provide a sidewalk along the frontage of the Town road. The subject property is at the edge of the IOC district and abuts a very rural residential area. Sidewalks would not be appropriate across the frontage of the subject property.
- 32. As previously discussed, architectural renderings and elevations will be provided in a future submission. The architectural and dimensional components of the building will comply with all Town of Kent zoning requirements.
- 33. Refer to Comment #32.
- 34. A waiver of §77-26.A.7 is formerly requested for pedestrian amenities such as benches that would be required by code for public parks, commons, or small pedestrian plazas since the proposed use is a contractor / warehouse use that is setback from the Town road.
- 35. A waiver of §77-26.A.21 is formerly requested which would require service alleys for deliveries and utility access to be established along rear property lines. It was mentioned by the Town's Consultants to reverse the building and loading areas, so that the loading is in the rear of the building. After a detailed analysis, this option is not possible because of the location of the septic system and stormwater infiltration areas. Both of those areas are located in the only spots on the property that can support these features. Pulling the building forward would encumber the infiltration area. The infiltration area cannot be moved uphill because it must be at least 100 feet away from any proposed septic area. The septic area cannot be moved any further away from the infiltration area.
- 36. The parking spaces have been revised to be 20-foot-long with aisles not less than 22 feet.
- 37. Parking calculations relative to the warehouse and office space were already provided on Drawing SP-1.
- 38. A Lighting Plan has been provided as Drawing LP-1.
- 39. The sign location, setback, and detail have been provided on the enclosed plans.
- 40. §77-73-B-(2) of the Town Code applies only to a lot "... located in the Commercial or the IOC District created by subdivision ...". Although the commercial lot is being expanded by the addition of ±0.8 acres from the applicant's adjoining land the commercial lot already exists and is not required to meet this standard. See also the exemption provided by 77-73(D) of the Town Code.
- 41. It is unclear what this comment is referring to, but if it is related to the Lee Schultz property at the northeast corner of the subject property, this has been discussed in detail with the Board during the Hilltop Estates Subdivision project review. This is property that Lee

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Schultz has utilized over the years as part of his daily operations. An easement has been provided for Lee Schultz to continue the use of this property as it has been used for years. This portion of the property has and will remain stabilized, there is no need to reclaim this area.

42. Statement acknowledged. No response necessary.
43. Statement acknowledged. No response necessary.
44. The provisions of §66A-10(C) are inapplicable to this application. The residential lot from which ±0.837 acres of land is being added to the commercial lot would be ±47 acres in size and would therefore greatly exceed the minimum 40,000 square foot lot size required for the R-40 District. Upon approval of the lot line revision both the proposed commercial lot and the remainder residential lot would conform to the IOC District and the R-40 District regulations without the need for variances or waivers.
45. There are no existing filed maps pertaining to the site, therefore none have been provided.
46. The proposed lot line adjustment map will be revised as follows and provided under separate cover:
 - a. A note has been added referring the site plan set.
 - b. The surveyors seal and signature will be provided on the final version of the lot line revision map.
 - c. Any fire special districts have been added to the site data table.
 - d. The zoning tables that have been fully revised on the site plan set have been added to the lot line map.
 - e. Lot areas that are shown in the plan view, have been shown in acres and square feet.
 - f. All watercourse, surface water, wetlands, and buffer areas have been shown.
 - g. Easements have been shown and labeled.
 - h. The names, addresses, and tax ids of all adjacent property owners have been provided.
47. It is acknowledged that later in the review process, the new deeds will be addressed as required in §66A-17D.(5) and (6).
48. It is understood that further comments may be provided in future submissions.
49. It is our opinion that we have addressed the Consultant's comments and that this submission constitutes a complete application.
50. Refer to Comment #49 above. We therefore request continued site plan review and request that the Planning Board distribute the request for lead agency.

Memorandum from Julie Mangarillo, P.E., CPESC of Rohde, Soyka & Andrews Consulting Engineers, P.C., dated August 12, 2020:

1. Statement acknowledged. No response necessary.
2. Pertaining to §66-6.B.(2) of the Town of Kent code:
 - a. A Steep Slopes and Soils Map has been provided as requested.

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- b. The depth to bedrock and depth to water table has been identified in all areas of disturbance to the best of our abilities based on the best available data that we possess. Refer to the table on Drawing SS-1.
3. A note on Drawing SP-3 stating "Per §66-6.K(1): within 10 days after installation of all erosion control plan measures, the applicant shall submit to the Building Inspector a letter from the qualified professional who designed the plan for the applicant / land owner stating that all erosion control measures have been constructed and installed in compliance with the approved plans."
4. The Stormwater Pollution Prevention Plan (SWPPP) has been revised as follows:
 - a. Soil testing results and locations have been provided on Figure 4: Testing Plan.
 - b. Infiltration test results have been provided in Figure 4: Testing Plan.
 - i. Required SWPPP content notes have been revised to reflect the current project.
 - c. The SWPPP has been revised to include provisions from modifying the SWPPP, trained contractor requirements, inspection and maintenance requirements, and the procedure for termination of coverage in an MS4 community.
 - d. Erosion and Sediment Control Note #22 on Drawing SP-3 has been provided stating copies of the contractor certifications and training certificates will be provided to the Town of Kent prior to the start of earth disturbing activities.
5. A Phase 1A / 1B which was previously submitted as part of the Hilltop Estates Subdivision has been submitted as part of this resubmission. This study provided documentation that the project complies with the requirements for historic or archeological sensitive locations.
6. The SWPPP has been revised as follows:
 - a. Information regarding erosion controls for the timber harvest portion of the project have been previously provided to the Planning Board as it is a timber harvesting project, it is not held to the same standards as a typical NYSDEC erosion control SWPPP. The timber harvest portion of the project is held to the BMP (best management practices) as required by the NYSDEC.
 - b. Infiltration basin has been revised to Stormwater Management Practices. A section has been provided for the swale on Drawing D-1.
 - c. Section 4.1, the concrete truck washout has been provided.
 - d. Section 5.1, references to the Town of Southeast have been removed.
 - e. End of Section 5.1, the infiltration basin reference has been changed to underground infiltration system. Long term stormwater management facilities such as the hydrodynamic separator level spreaders and underground piping have been included.
 - f. Section 5.3, "Long Term Maintenance Plan". Information on long term stormwater management facilities including the water quality swale and level spreaders has been included.
 - g. Section 5.1 has been revised to state that the construction site log book and information on contractor certifications are required to be maintained on the site as well as a copy of the permit.
 - h. Appendix F has been revised to include construction and maintenance requirements for the underground infiltration system.

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- i. The SWPPP has been revised to assess the stormwater runoff from pre to post-development in the area of the proposed SSTS.
 - j. Sizing calculations for this level spreaders are provided on the Level Spreader Detail on Drawing D-1.
7. Referring to the drawings:
- a. A driveway profile has been provided on Drawing D-2. Since the driveway is not longer than 500 feet long, pull offs are not required.
 - b. A waiver of §57-26.A(5)(c) is formerly requested requiring that a centerline profile of the driveway be required to be submitted prior to issuance of a building permit. The normal course of construction would involve the cutting in of an access driveway for construction equipment, completion of improvements in accordance with the Building Permit, with the final grading and completion of the driveway in accordance the Town's requirements, including an as-built survey, only occurring after completion of improvements. We therefore request Planning Board consideration of a waiver to allow the issuance of a Building Permit, under conditions as determined by the Board, that would allow construction of improvements and certification of completion of the driveway in accordance with Town requirements at the time a Certificate of Occupancy is requested in accordance with §57-25 of the Town Code. It should be noted that this request does not involve a waiver of the Town's driveway construction requirements, but rather a waiver from the requirement to design, construct, and certify the driveway before a Building Permit is issued and any other site improvements are installed. .
 - c. General Note #6 on Drawing OP-1 has been provided stating that "the owner will make any modifications to the driveway as required by the Town of Kent Highway Superintendent".
 - d. Sight distance measurements for the driveway intersection with North Horsepound Road have been provided on Drawing SP-1.
 - e. The curb has been labeled on Drawing SP-1. A curb detail has been provided on Drawing D-2.
 - f. Boundary's between proposed pavement and gravel have been provided.
 - g. We have reviewed the NYS Fire Code and contacted the Town of Kent Fire Inspector to ensure that the proposed driveway is wide enough and provides an acceptable fire truck turnaround. Further information will be provided in a future submission.
 - h. The need for sprinklers for the subject project has been initially discussed with the Town of Kent Fire Inspector. Further information will be provided in a future submission.
 - i. Parking spaces have been revised to be 20 feet deep.
 - j. The maximum slope of the parking lot does not exceed 5%. Slopes have been labeled on the parking area.
 - k. Dimensions of 12' x 33' have been provided for the proposed loading space as required in §77-39.B.
 - l. The parking spaces have been relocated outside of the yard setbacks.
 - m. Parking areas and parking spaces adjacent to property's located in a residential district have been setback an additional 15 feet from the minimum yard setback. The

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- access aisle cannot be shifted outside the yard setbacks due to the location of onsite wetlands and their buffers.
- n. Location and detail for the proposed dumpster enclosure has been provided.
 - o. Snow storage areas have been provided on Drawing SP-1.
 - p. Drawing LP-1 has been provided which shows the proposed site lighting.
 - q. SP-1 has been revised to show the outline of the proposed underground infiltration system.
 - r. A waiver of §77-60.F.(1)(e) is requested for the small portion of the property where the proposed septic system is to be located. The tree survey that was prepared did not include the small area subject to the lot line adjustment; therefore, we do not have trees in that area. A waiver is formerly requested requiring trees be shown in this small area.
 - s. The Erosion and Sediment Control Drawing SP-3 has been revised as follows:
 - i. Due to the project sensitivity being uphill of a Town of Kent and NYSDEC wetland, some of the silt fence in critical locations will be backed up with haybales to provide additional protection and mitigation.
 - ii. The limit of disturbance has been relocated to include all silt fence.
 - iii. Concrete truck washout area has been included on the erosion and sediment control maintenance schedule table.
 - iv. Additional information has been provided on construction staging and phasing to show how this project can be constructed within the tight constraints of this site.
 - t. Drawing D-2 has been revised to include details for:
 - i. Concrete truck washout area.
 - ii. Driveway construction detail.
 - iii. Gravel storage area cross section.
 - iv. Detailed for refuse enclosure.
 - v. Curb detail.
8. The site plan has been revised so that there shall be no retaining walls over three feet in height.
9. Boulders have been provided as a demarcation line along the wetland buffer. The boulders shall be 3' minimum diameter, spaced 25' minimum on center. Refer to Drawing SP-1.
10. It is acknowledged that a \$9,183.00 Erosion Control Bond Estimate was included in the previous submittal. The Town's request for a long-term stormwater maintenance management bond estimate is not required based on assurances contained in the SWPPP maintenance agreement. NYSDEC Standard Stormwater Control Facility Maintenance Agreement clearly provides the Town with more than adequate protections for the maintenance of the post-construction stormwater management controls.
11. It is understood that the applicant is responsible for full payment of all erosion control inspections. The initial inspection fee deposit of \$1,000.00 will be paid to the Town prior to the Town signing the site plans.

12. Statement acknowledged. No response necessary.
13. Statement acknowledged. No response necessary.

Memorandum from Bruce Barber, of Cornerstone Associates, dated August 13, 2020, regarding the Kent Development Associates Application:

1. PROJECT SUMMARY:

- Statement acknowledged. No response necessary.

2. REQUIRED PLANNING BOARD PERMITS AND APPROVALS:

- Statement acknowledged. No response necessary.

3. SEQR:

- Statement acknowledged. No response necessary.

4. ENVIRONMENTAL QUESTIONS RELATIVE TO ZONING:

- As previously discussed, the site plan has been revised to meet the supplemental setbacks to the residential property. A Landscaping Plan has also been provided with this submission.
- The timber harvest application has been removed from the commercial lot and will only remain on the Peckslip Road residential property.
- The vast majority of the tree corridor along Horsepound Road within the wetland buffer has been maintained, with the exception of the narrow driveway entrance. A waiver has been requested for not completely maintaining this tree corridor buffer along Horsepound Road. The rationale for not maintaining the buffer is that we have to access our property from Horsepound Road. The minimal amount of tree removal has been provided as seen on the plans due to the extremely narrow limit of disturbance at the driveway entrance. The mitigation for the tree removal has been provided in the form of a detailed landscaping plan.
- The soils have been provided on Drawing SS-1.

5. ENVIRONMENTAL AND CULTURAL RESOURCES:

- The Town of Kent wetland boundary is coincidental with the NYSDEC wetland boundary. The wetland has been labeled to indicate both jurisdiction of the NYSDEC and the Town of Kent.
- A valid NYSDEC Wetland Validation Map has been included with this submission.
- The IOC parcel has been removed from the timber harvest program; therefore, details regarding trees to be harvested from the IOC parcel are no longer part of this application.
- General Note #7 on Drawing OP-1 has been provided stating that the subject property is not located in a flood hazard area.
- A Steep Slopes Plan has been provided on Drawing SS-1.
- Rock chipping or blasting is not anticipated within the potential area of disturbance. Preliminary soil testing showed that there is not ledge rock within the proposed development area.
- The area in square feet of steep slope disturbance has been labeled on Drawing SS-1.
- The soils have been provided on Drawing SS-1.

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- Site specific soil testing on the proposed infiltration areas have been provided in the project SWPPP.
- General Note #8 on Drawing OP-1 has been provided stating the tree cutting restrictions for the Indiana and Northern Long-eared Bat.
- Well and septic system approvals have been submitted and deemed complete by the PCDOH and are expecting their approvals shortly. A copy of the approvals will be submitted to the Board upon receipt.
- A Phase 1A / 1B which was previously submitted as part of the Hilltop Estates Subdivision has been submitted as part of this resubmission. This study provided documentation that the project complies with the requirements for historic or archeological sensitive locations.

6. REVIEW:

- It is our opinion that we have addressed the Consultant's comments and that this submission constitutes a complete application.

REVIEW ITEMS:

1. All applicable materials submitted in support of the variances obtained from the ZBA have been included in this submission.
2. A Phase 1A / 1B which was previously submitted as part of the Hilltop Estates Subdivision has been submitted as part of this resubmission. This study provided documentation that the project complies with the requirements for historic or archeological sensitive locations.
3. Total area of wetlands onsite = 16,660 s.f.
Total area of wetland buffer onsite = 67,200 s.f.
Total area of disturbance within wetland = 0 s.f. (0% of wetland will be disturbed)
Total area of wetland buffer disturbance = 18,920 s.f. (28% of onsite wetland buffer to be disturbed)

Significant planning analysis has gone into the development of this project to minimize the amount of disturbance to the wetland and wetland buffers. Wetland buffer impacts cannot be avoided or reduced any more than currently proposed. The following is a list of mitigation efforts to avoid or reduce the buffer impacts:

- a. Since the wetland is a long linear wetland along North Horsepound Road, the proposed driveway entrance is the only logical access point.
- b. The driveway has been designed to be as narrow as possible through the buffer to limit disturbance. In order to decrease the width of the driveway disturbance area up the hill, stone walls have been provided on the uphill side (at an additional cost to the applicant, just in order to limit disturbance and be able to locate the driveway further away from the wetland).
- c. The driveway has been designed to minimize the amount of fill that will be required in the wetland buffer.
- d. The stormwater management treatment is a mandatory requirement of the NYSDEC. We have provided the minimum amount of treatment required in order to minimize disturbance to the wetland buffer. As stated before, there will be no disturbance at all to the actual wetland.
 - The water quality swale which is a stormwater management treatment provided for the driveway, will be seeded with a special seed mix in accordance with the NYSDEC regulatory standards.

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- Level spreaders have been provided for stormwater point discharges instead of just providing end sections. The level spreaders, although they will be an additional cost for the applicant, will provide an environmental benefit because the water will not discharge as a point discharge, but will be spread out across a wider area along the contour to discharge as a sheet flow down through the wetland buffer into the wetlands to more closely mimic the current conditions.
 - Specialty seed mixes will be used throughout the property to provide for appropriate vegetation, as opposed to standard contractor's turf lawn mix. Our office has had extremely positive results with the seed mixes provided on the proposed plans with respect to being appropriate for the proposed use, being native, and growing in after several years to blend in with the surroundings and not look like a manufactured stormwater management practice.
4. As previously mentioned, the Town of Kent wetland and buffer line is coincidental with the NYSDEC wetland and adjacent area line. The plans have been revised to label the Town of Kent wetland and buffer.
 5. As previously discussed, rock chipping and blasting is not anticipated. There may be an isolated short-term duration incident of rock chipping, which is typical for similar construction projects in the Town of Kent, but it is expected to be isolated in short term duration. The earthwork quantities (cut and fill for the project) have been provided on Drawing SP-2.
 6. The construction sequence has been revised to include temporary parking areas, machine access and staging areas, duration of work, steep slopes stabilization plans and sanitary facilities. Due to the small size of this project, a construction trailer is not required for the subject project.
 7. As previously mentioned, site specific soil tests and site logs over proposed infiltration area have been provided in the SWPPP.
 8. As previously mentioned, Steep Slopes Plan (Drawing SS-1) has been provided, and also quantifies the amount in square feet of steep slope disturbance.
 9. Mitigation for the minimal tree cutting has been discussed in previous comments. The tree cutting in the buffer and the minimum amount necessary required for the stormwater management practices for the project are the only trees to be removed within the buffer.
 10. There is no proposed stockpiling, storage or use of any materials or the potential use of chemicals or fuels of any kind, vehicle or equipment repairs or washing or any use that will potentially contaminate the groundwater supply proposed for the subject project.
 11. As previously discussed, a driveway profile and sight distances have been provided. As previously discussed, turn outs are not required since the driveway length is less than 500 feet.
 12. Water storage tanks are not required.
 13. The Landscaping and Screening Plan has been provided on Drawing SP-1.
 14. A Lighting Plan has been provided on Drawing LP-1. There will not be any light pollution or spill over onto adjacent properties.
 15. Well and septic system approvals have been submitted and deemed complete by the PCDOH and are expecting their approvals shortly. A copy of the approvals will be submitted to the Board upon receipt.
 16. A proposed sign has been located at the entrance as shown on Drawing SP-1. A detail is shown on Drawing D-2.

17. The NYSDEC has determined the Freshwater Wetland Permit as complete, we are expecting an approval shortly and will forward a copy to the Town of Kent upon receipt.
18. The missing sections of the combined Planning Board application forms are not applicable to the current application and will therefore not be submitted.
19. As previously discussed, a project architect is being selected, and architectural elevations and floor plans will be submitted when available.
20. A copy of a description of use / business plan for the proposed project will be provided in a future submission.
21. Statement acknowledged. No response necessary.
22. Site plan
 - As previously discussed, an NYSDEC executed wetland validation block is provided on the enclosed Wetland Validation Map.
 - Any work located within the steep slope areas and areas of rock outcroppings or ledge are provided on the Steep Slopes Plan, Drawing SS-1.
 - As previously discussed, a proposed lighting plan, Drawing LP-1 has been provided.

ADDITIONAL REVIEW ITEMS:

1. EAF:
 - Question #15, Page 3, has been revised to indicate that the areas located in a US Fish and Wildlife Bat Recovery Zone.
 - The logging has been removed on the commercial lot therefore, the requested revision is not required.
 - A Short EAF has been provided as required by the Town code. It is not understood why a Full EAF would be required for such a small site plan project.

Memorandum from Bruce Barber of Cornerstone Associates, dated March 6, 2020, regarding Kent Development Logging Application:

WETLANDS:

- It is acknowledged that the 2014 wetland mapping will be used as the wetland line of record for the timber harvesting project.
- It is confirmed that the tree harvesting will only be located in upland and wetland buffer areas. It is acknowledged that a wetland permit is not required per Town code for the proposed timber harvesting action.
- We have contacted the NYSDEC for clarification on timber harvesting within NYSDEC wetland adjacent area. The NYSDEC website states no permit is required for timber harvesting; however, further information will be provided in a future submission.

THREATENED AND ENDANGERED SPECIES:

- The timber harvesting will occur between the dates of November 1 and March 31 as per US Fish and Wildlife guidelines.

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OTHER:

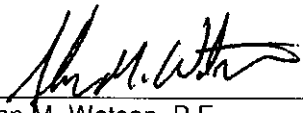
- Our office contacted the Town of Kent Highway Superintendent to which a letter was provided in the previous submission.
- As previously stated, the timber harvest will take place on the Peckslip Road parcel be selectively harvesting trees, not clear cutting. Tree removal on the North Horsepound Road parcel is only the result of the site development which as previously stated, has been minimized to the greatest extent practicable. Screening has been proposed in areas where tree removal is necessary adjacent to the property line.
- Statement acknowledged. No response necessary.

We respectfully request this project be placed on the September 10, 2020 Planning Board agenda for review of the enclosed materials and for the Planning Board to declare their intent to be lead agency.

Should you have any questions or comments regarding this information, please do not hesitate to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By: 
John M. Watson, P.E.
Senior Principal Engineer

JMW/jll/amk

Enclosures

cc: Richard Esposito, Kent Development Associates, Inc, with enclosures

Insite File No. 18163.100

Adopted Resolution September 10, 2020

Town of Kent Planning Board

**Resolution of SEQRA Classification; Lead Agency Intent; Circulation; and Referrals for:
Special Use Permit; Site Plan Approval; Revised Lot Line; Timber Harvest; and Wetland; Steep Slope
and Erosion Control Permits for Kent Development Associates,
North Horsepound Road & Peckslip Road, Tax Parcels No. 12.1-1-38 & 12.-1-42**

Whereas, the Town of Kent Planning Board has received an application from Kent Development Associates, c/o Richard Esposito for approval of a Special Use Permit; Site Plan; Lot Line Revision; Timber Harvest; and Wetland; Steep Slope and Erosion Control Permits for development of a 3.263-acre parcel in the IOC (Industrial-Office-Commercial) zoning district and an 0.837-acre portion of the adjoining 48.456-acre parcel in the R-40 (Residential) zoning district to create a 11,200 square foot (SF) contractor's office and warehouse building with a 10,000 SF footprint and a 1,200 SF second floor (mezzanine) located at North Horsepound Road and Peckslip Road, in the Town of Kent, Putnam County, New York (tax parcel identification numbers 12.1-1-38 & 12.-1-42); and

Whereas, the proposed action involves the development of a single building and parking areas, driveway, utilities, and electric and stormwater management systems, noting that the contractor's office is a permitted special use in the IOC zoning district; and

Whereas, the project is depicted on site plans, prepared by Insite Engineering, Surveying & Landscape Architecture, PC, dated August 15, 2019, last revised August 24, 2020; a lot line revision map prepared by Terry Bergendorff Collins, Professional Land Surveyors, dated February 11, 2020, based on a survey dated July 11, 2005, last revised September 3, 2020; and a Short EAF, last revised August 24, 2020 was submitted; and

Whereas, on October 15, 2018, the Applicant and their Representatives requested and obtained a decision from the Town of Kent Zoning Board of Appeals (ZBA), which resulted in an extension of the IOC zoning district regulations 140' beyond the IOC zoning district line into the adjoining R-40 zoning district portion of the overall project site;

Whereas, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the Planning Board is required to determine the classification of the proposed action; and

Whereas, pursuant to 6 NYCRR § 617.4 and 617.5, the proposed action is neither a Type I or a Type II action under SEQRA; and

Whereas, the Project is located within 500 feet of NYS Route 52, a New York State Highway; and within 500 feet of the boundary of the Town of East Fishkill; and

Whereas, pursuant to Section 239-l, m and n of the General Municipal Law, projects located within 500 feet of a state or county highway must be referred to the Putnam County Department of Planning, Development and Public Transportation for a report and recommendation thereon; and

Whereas, pursuant to Section 239-nn of the General Municipal Law, projects located within 500 feet of an adjacent municipality, notice of a public hearing must be given to the Town Clerk of the

*Town of Kent Planning Board Resolution of SEQRA Classification; Lead
Agency Intent; Circulation; and Referrals for Special Use Permit; Site Plan;
Lot Line Revision; Timber Harvest; Wetland; and Erosion Control
for Kent Development Associates
September 10, 2020*

adjacent municipality, which is Town of East Fishkill, not less than 10 days prior to the date of the hearing;

Now Therefore Be It Resolved, that the Planning Board hereby classifies the proposed project as an Unlisted Action under SEQRA as per 6 NYCRR part 617, sections 617.4 and 617.5; and

Be It Further Resolved, that the Planning Board hereby declares its intent to serve as Lead Agency in a coordinated review of the Project and directs its secretary to circulate notice of its intent, copies of the Short EAF and project materials to all other involved and interested agencies; and

Be It Further Resolved, that the Planning Board hereby directs its secretary to refer the application to the Putnam County Department of Planning, Development and Public Transportation pursuant to Section 239-l, m and n of the General Municipal Law; and

Be It Further Resolved, that the Planning Board hereby directs its secretary to send a notice of the public hearing to the Town Clerk of the adjacent municipality, which is Town of East Fishkill, not less than 10 days prior to the date of the hearing.

Motion: Stephen Wilhelm

Second: Giancarlo Gattucci

Phil Tolmach, Chairman Aye

Dennis Lowes, Vice Chairman Aye

Simon Carey Aye

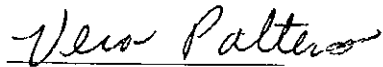
Giancarlo Gattucci Aye

Nisim Sachakov Absent

Charles Sisto Aye

Stephen Wilhelm Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on September 10, 2020.



Vera Patterson, Clerk
Town of Kent Planning Board

*Town of Kent Planning Board Resolution of SEQRA Classification; Lead
Agency Intent; Circulation; and Referrals for Special Use Permit; Site Plan;
Lot Line Revision; Timber Harvest; Wetland; and Erosion Control
for Kent Development Associates
September 10, 2020*

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Involved and Interested Agencies

New York State Department of Environmental Conservation
21 Putt Corners Rd.
New Paltz, NY 12561

New York State Department of Transportation
108 Ludingtonville Rd.
Holmes, NY 12531

New York State Department of Transportation
Dept. of Public Works/Traffic Safety
Highway Permit/SEQR Group
4 Burnett Blvd.
Poughkeepsie, NY 12603

Putnam County Department of Planning, Development and Public Transportation
841 Fair St.
Carmel, NY 10512

Putnam County Department of Health
1 Geneva Rd.
Brewster, NY 10509

New York City Department of Environmental Protection
465 Columbus Ave.
Valhalla, NY 10595

Town of East Fishkill's Town Clerk's office
330 NY 376
Hopewell Junction, NY 12533
Attn: Town Clerk

Town of Kent Building Department
25 Sybil's Crossing
Kent, NY 10512

Town of Kent Planning Department
25 Sybil's Crossing
Kent, NY 10512



Memorandum

To:	Planning Board Town of Kent	Attn:	Philip Tolmach Chairman
From:	Julie S. Mangarillo, P.E., CPESC	Subject:	Site Plan, Lot Line Adjustment Erosion Control Permit Wetland Permit
Date:	September 9, 2020	Project:	Kent Development Associates – IOC Property & Timber Harvest TM # 12.-1-38 & 42

The following materials were reviewed:

- Refer to Appendix A for list.

The project proposes construction of a commercial building in IOC zone in addition to the open application for Town of Kent Erosion Control Permit for timber harvest.

New or supplementary comments are shown in **bold**.

The following comments are provided for the Planning Board's consideration from a memo dated August 12, 2020:

1. The proposed project is within the NYCDEP East of Hudson watershed and will disturb more than 1 acre of land. A Town of Kent Erosion & Sediment Control Permit is required as well as coverage under NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, GP-0-20-001, including long term stormwater management.
2. Provide the following information as required by Town Code Chapter 66-6.B.2:
 - a. §66-6.B.2.e – Provide “a soils and slopes map indicating existing soils on the property, ... Generalized slope areas for slopes 0% to 15%; 15% to 25%; and greater than 25% shall be delineated. This map shall be drawn on a topographic base map with the date and source of the soils and steep slope data noted on said map.”
 - i. **Steep slope and soils map has been provided. Include the “date and source of the soils and steep slope data” on the drawing.**
 - b. §66-6.B.2.f – Provide “the depth to bedrock and depth to water table shall be identified in all areas of disturbance”.
 - i. **Add the deep test locations and data to the Steep Slopes & Soils Map.**
4. Provide a SWPPP with post-construction stormwater management practice component in accordance with GP-0-20-001. Provide required information from Part III.B.2 including:

- c. The Applicant and Applicant's design professional are expected to be familiar with the provisions of NYSDEC GP-0-20-001, particularly the sections regarding the maintenance of documentation on-site (Part II.D.2), provisions for modifying the SWPPP (Part III.A.4), trained contractor requirements (Part III.A.6), inspection and maintenance requirements (Part IV) and the procedure for termination of coverage in an MS4 community (Part V.A.4). These requirements are to be referenced in the SWPPP.
 - i. **Information regarding provisions for modifying the SWPPP and termination of coverage in an MS4 community could not be located on the drawings or in the SWPPP. Provide a more specific location where this information can be found or add it to the SWPPP or drawings.**
 - ii. **Information regarding maintenance of documentation on-site was found on page 8, section 5.1 of the SWPPP. However, it does not include the full list of required documents as specified in GP-0-20-001, Part II, D.2. Revise the SWPPP to include the complete list of required documents.**
- 5. SWPPP – GP-0-20-001 Part 1.F.8 - Provide documentation that the project complies with the requirements for historic or archeological sensitive locations.
 - a. **The Phase 1A and Phase 1B archeological reports have been provided. Provide a “no impact” letter from NYS OPRHP. It is our understanding this is in process.**
- 6. Refer to the SWPPP
 - a. Incorporate or refer to the relevant information regarding erosion control for the Timber Harvest portion of the project.
 - i. **Response memo from Insite Engineering states “information regarding erosion controls for the timber harvest portion of the project have been previously provided to the Planning Board as it is a timber harvesting project, it is not held to the same standards as a typical NYSDEC erosion control SWPPP. The timber harvest portion of the project is held to the BMP (best management practices) as required by the NYSDEC.”**
 - ii. **While it is true that NYSDEC general permit for construction activities does not regulate timber harvest, a Town of Kent Erosion Control Permit is needed for disturbances to construct an access way to a public road and for the loading area for timber harvests. On the 1st page of the SWPPP, in the paragraph that discusses the timber harvest, specify that a Town of Kent Erosion Control Permit with erosion control measures is required for the access road and loading area for timber harvest.**
 - iii. **The forestry report will have to be updated to remove the IOC lot.**
- 7. Refer to the Drawings:

- b. Provide a centerline profile of the driveway prior to paving and prior to issuance of building permit as required per Town Code Chapter 57, §57-26.A(5)(c). Provide a note on the drawing.
 - i. **The response letter requests a waiver from §57-26.A(5)(c). The applicant wishes to provide the as-built survey of the driveway prior to issuance of certificate of occupancy instead of issuance of building permit.**

The driveway will need to be rough graded in order to achieve the elevations necessary for the other site improvements and building. Having the driveway rough graded at the start of construction is also beneficial for access by the construction crew, delivery vehicles and emergency vehicles if needed.

The requirement for the driveway as-built is first included in §57-23 "Driveway permit prerequisite to issuance of building permit".

§57-26.A(5)(c) calls for "upon completion of grading and placement of subbase material, and prior to final paving, the applicant's New York State licensed land surveyor shall provide to the Town an as-built survey depicting the actual grades and dimensions to which the driveway has been constructed. Such as-built survey shall accompany the application for issuance of a building permit for construction of on-site improvements."

With the tight construction envelope, between property lines, steep slopes, wetlands and associated buffers, it is in the applicant's interest to ensure grades and elevations are correct early in the construction schedule. Providing the driveway as-built survey at the time of issuance of Certificate of Occupancy is too late in the construction process.

At this time, we do not believe there is sufficient justification to delay the as-built of the driveway until the issuance of the certificate of occupancy. We recommend the driveway as-built be provided prior to issuance of building permit as required by Code.

- g. Consult with the NYS Fire Code to ensure the proposed driveway is wide enough and provides an acceptable fire truck turnaround.
 - i. **Response letter indicates Insite has contacted the Town of Kent Fire Inspector and additional information to be provided in a future submittal.**
- h. Consult with the Town of Kent Fire Inspector regarding the need for sprinklers.
 - i. **Response letter indicates Insite has contacted the Town of Kent Fire Inspector and additional information to be provided in a future submittal.**
- o. Show snow storage areas.
 - i. **Response letter indicates snow storage areas are provided on drawing SP-1. The snow storage areas could not be located.**

- r. Refer to SP-1 "Tree Removal Plan" – Include the area of the proposed septic area and that section of the property.
 - i. **The response letter indicates a tree survey was not done in the area of the proposed septic system and a waiver of §77-60.F(1)(e) to show trees is requested. We defer to Bruce Barber regarding the requested tree waiver. At a minimum, the area in question should be shown on SP-1 "Tree Removal Plan" with a note explaining that there are existing trees that are proposed to be removed.**
- s. Refer to drawing SP-3 "Erosion & Sediment Control Plan"
 - i. Provide additional notes and details as to how the Underground Infiltration System and Swale will be protected from disturbance or storage of construction materials during construction. Stormwater runoff cannot be directed to the Underground Infiltration System and Swale until contributing areas are stabilized. How will runoff be managed from the disturbed construction area before the swale and Underground Infiltration System can accept the runoff? How will sediment-laden runoff from the disturbed construction area be prevented from entering wetlands? With the slopes, silt fence alone is not likely to be sufficient.
 - 1. **The response letter indicates silt fence backed with haybales will be used. Construction Sequence SP-3 indicates runoff will not be allowed to enter infiltration system until contributing areas are stabilized. Now that the infiltration system will be below asphalt, how will the area for the infiltration system be protected from over-compaction or over excavation prior to installation of the infiltration system? How will the infiltration system be protected after installation and prior to pavement?**
 - iii. Include concrete truck washout on the Erosion and Sediment Control Maintenance Schedule table.
 - 1. **The response letter indicates that concrete truck washout has been added to the Erosion and Sediment Control Maintenance Schedule table. Concrete truck washout could not be located on the table.**
 - 2. **Show possible locations for concrete truck washout that meet the setback requirements from wetland buffers, storm drain inlets, drainage swales, etc.**
- 8. Retaining walls over 3 feet in height require a building permit per Town Code Chapter 27, §27-8.B(5). If a retaining wall is over 3 feet in height and proposed within a yard setback, a variance may be needed from the ZBA. Consult with the Building Inspector.
 - a. **Retaining walls at the gravel outdoor storage area are labeled as 3 feet maximum height. There is another retaining wall along west side of driveway in the setback that is not labeled. Provide additional information on that retaining wall.**
- 10. An erosion control bond estimate of \$9,183.00 was included in the submittal. A long term stormwater management bond estimate will also need to be provided which is to include the

underground infiltration system, swale, hydrodynamic separator, level spreaders and required piping.

- a. **In addition to the Erosion Control Bond, a “Construction Completion Guarantee” is required for long term stormwater management facilities per Town Code Chapter 66, §66-24.A. “The security shall be in an amount to be determined by the Town based on submission of final design plans, with reference to actual construction and landscaping costs.”**
 - b. **Additionally, the “performance guarantee shall remain in force until the applicant and/or developer is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a two-year inspection has been conducted and the facilities have been found to be acceptable to the Town.”**
 - c. **Additional legal agreements will be required, such as “stormwater management facilities inspection and maintenance easement” and “stormwater management facilities inspection and maintenance agreement”. These will need to be coordinated with and approved by the Planning Board attorney.**
11. The applicant is responsible for full payment of actual costs of erosion control inspections. An initial inspection fee deposit of \$1000 is to be paid to the Town in accordance with the Town of Kent Fee Schedule. – **Acknowledged.**

New Comments:

1. Refer to drawing OP-1:
 - a. Add the tax map number on the drawing for the IOC parcel, similar to what is shown for the residential parcel.
 - b. Add road names for reference.
2. Refer to drawing SP-1:
 - a. Extend the boulders that delineate the wetland buffer along the driveway, where the driveway is in the wetland buffer.
 - b. Add boulders along the wetland boundary in the vicinity of the water quality swale.
3. Refer to the Water Quality Swale:
 - a. Per NYS Stormwater Management Design Manual, Chapter 6, Section 6.5.3, provide 10% of the water quality volume as pretreatment. The manual indicates this can be done with check dams. Providing a pretreatment forebay will also make long term maintenance of the swale easier, as the heavier sediment & road sand will settle out in the forebay, closer to the driveway. It will be easier to clean out the accumulated sediment from the forebay instead of the entire length of the swale.
 - b. On the swale detail on sheet D-1 – show the pretreatment forebay and note the slope of the swale.
 - c. If there are plans to utilize the swale area as a sediment trap during construction, provide instructions on how to change the sediment trap into the water quality swale.

4. Refer to drawing SP-3, "Construction Sequence".
 - a. Step 5 regarding water quality swale – The swale should be protected from runoff until contributing areas are stabilized, similar to the note in Step 11 regarding the infiltration system. Unless the swale will be used as a sediment trap, in which case, additional explanation will be required.
 - b. Step 16 regarding flow to infiltration system – this should include the swale too, unless the swale will be used as a sediment trap during construction.
 - c. Include the duration of each step, as required per §66-6.B.2.g[5].
5. Refer to drawing D-1, Stormwater Infiltration System – Add additional notes or details as needed now that the infiltration system is beneath the pavement. Specify that infiltration system will be designed for heavy duty loads. Specify either on the detail or within the SWPPP the separation distance between the bottom of the infiltration system and the final depth of the deep test.
6. Refer to drawing D-2:
 - a. Asphalt Pavement Detail: Per §57-26.A(4)(f) the minimum subbase thickness is 8". Per §57-26.A(4)(g) the minimum asphalt thickness is 3".
 - b. Revise the "Town of Kent Planning Board: Standards for Private and Common Driveways" notes to match Town Code Chapter 57, §57-26.
7. Refer to the SWPPP:
 - a. Page 5, Table 2.1.2 Summary of Water Quality Swale WS 1.2 – Include requirements for pretreatment and depth to water table as included in the NYS Stormwater Management Design Manual.
 - b. Provide a similar table for the infiltration system.
8. During construction, provide a temporary berm or swale along the north side of the septic area and building to divert the clean "run-on" from the uphill residential parcel around the area of disturbance.
9. During construction, provide water bars along the driveway to divert driveway runoff into the adjacent grass area to avoid concentration of the runoff with a discharge point closer to the wetlands.
10. As the proposed use and occupancy of the building is not known, provide notes on the site plan to contain loose materials if that is a potential future use of the property. Example notes for the Planning Board to consider:
 - a. The storage of loose materials, i.e. rock, stone, mulch, soil, etc shall be permitted only within three-sided concrete block bins. There shall be no uncontained storage of materials on-site. The storage of loose materials outside of the designated bins is prohibited as a violation of the site plan approval.
 - b. The stacked height of any material, including loose material, shall not exceed 10 feet in height nor be located within 35 feet of any property line.
 - c. Dust control: To prevent surface and air movement of dust from the site, during dry weather periods the areas subject to surface dust movement and dust blowing as a

Memorandum
Kent Development Associates
TM # 12.-1-38 & 42
September 9, 2020
Page 7 of 7

result of vehicular traffic shall be either periodically sprayed with water or a gravel mulch applied to the affected areas.

We trust the comments are useful in your review. As further information is provided, additional comments may be offered. Please let us know if we can be of additional assistance.

Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
Bill Walters via email
20-261-209-02

Bruce Barber via email
Liz Axelson via email

APPENDIX A

List of Documents Reviewed

1. Letter to Town of Kent Planning Board-Vitiello Residence prepared by Insite Engineering, Surveying & Landscape Architecture, P.C., dated August 24, 2020.
2. Town of Kent Planning Board Combined Application-Frank and Juli Vitiello-dated June 23, 2020.
3. Notice of Intent-New York State Department of Environmental Conservation Division of Water--Frank and Juli Vitiello, dated June 11, 2020.
4. Short Environmental Assessment Form-Vitiello Residence dated June 11, 2020.
5. Letter to Kent Planning Board-Application Frank and Juli Vitiello, prepared by Carol Kurth Architecture dated August 20, 2020.
6. Drawing -Proposed Garage Section-prepared by Carol Kurth Architecture P.C., dated August 24, 2020, scale $\frac{1}{4}" = 1'$.
7. Exterior Lighting-475 Pudding Street, Carmel, NY.
8. Drawing SP-103- Proposed Site Plan/Exterior Lights- Vitiello Residence-prepared by Carol Kurth Architecture P.C., dated August 21, 2020, scale $1" = 10'$.
9. Survey of Property- Frank and Juli Vitiello-prepared by Terry Bergendorf Collins, dated January 7, 2020 last revised June 16, 2020, scale $1" = 50'$.
10. Drawing OP-1- Overall Plan- Vitiello Residence-prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C. dated June 19, 2020, last revised August 20, 2020 scale $1" = 60'$. And revised September 4, 2020, submitted via email.
11. Drawing SL-1- Existing Conditions and Steep Slopes Plan- Vitiello Residence-prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C. dated June 19, 2020, last revised August 20, 2020 scale As Shown.
12. Drawing SP-1- Layout and Landscape Plan- Vitiello Residence-prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C. dated June 19, 2020, last revised August 20, 2020 scale As Shown.
13. Drawing SP-2- Grading, Utilities, Erosion & Sediment Control Plan- Vitiello Residence-prepared by Insite Engineering, Surveying & Landscaping Architecture, P.C. dated June 19, 2020, last revised August 20, 2020, scale As Shown.
14. Drawing -Vitiello - Proposed Garage 2nd Fl Plan - prepared by Carol Kurth Architecture P.C., dated September 4, 2020, scale $\frac{3}{16}" = 1'$, via email.

August 27, 2018

Town of Kent Zoning Board of Appeals
Kent Town Centre
25 Sybil's Crossing
Lake Carmel, New York 10512

RE: Kent Development Associates – Commercial Lot
North Horsepound Road
Town of Kent, New York
Tax Map No. 12.-1-38

Dear Chairman Moccio and Members of the Board:

Enclosed please find the following documents submitted for the above referenced project:

- Drawing SP-1, "Layout Plan", dated July 19, 2018 (7 copies).
- Figure A, "Aerial Photo of the Subject Property", dated July 18, 2018 (7 copies).
- Final Subdivision Plat known as the Hilltop Estates Subdivision, sheet 1 and sheet 2, dated August 18, 2014.
- Short Environmental Assessment Form, dated July 19, 2018 (7 copies).
- Zoning Board of Appeals Application for Variance dated August 27, 2018.
- Zoning Board Application Fee – check in the amount of \$500.00 (check number 1561).
- Letter of Authorization dated August 27, 2018.
- Disclosure of Addendum Statement dated August 27, 2018.

The applicant seeks to develop the subject property for use as a contractor's office and indoor storage building. This application appeared before the Planning Board at their August 9, 2018 Planning Board meeting for an initial submission. The Planning Board identified a potential zoning issue with the property and asked that we address the zoning issue.

The Planning Board identified a potential zoning issue with the subject application. As seen on the site plan, the 3.26± acre property is severely encumbered by NYSDEC wetlands and wetland buffers. The only potentially developable area of the site is located at the northwestern corner of the property. Unfortunately, this is not enough usable area to develop the site with a building, septic system, well, access driveway and parking.

The owner / applicant, Kent Development Associates, Inc., also owns a large parcel immediately adjacent to the subject parcel. In fact, the adjoining property to the north was subject to a subdivision application with the Town of Kent. The Town of Kent issued a Conditional Final Subdivision Approval for this adjoining property 2014. As part of the 2014 Subdivision Approval, it was envisioned and shown on the proposed subdivision map to adjust the lot line with the subject applications property to provide more usable area on the subject commercial lot. The adjoining Hilltop Estate Subdivision was reviewed and approved showing the property line adjoining the subject property to be modified to allow for more usable area.

3 Garrett Place, Carmel, New York 10512 (845) 225-9690 Fax (845) 225-9717


www.insite-eng.com

The zoning issue with the Planning Board is that we are now proposing a commercial use within a residential zone. Chapter 77-5A(3) allows the ZBA to extend property lines in certain situations. Our office was involved with the Bottlegate Farms project located at 1707 Route 52, where the Zoning Board on January 15, 2003 agreed to vary the zoning code so that the parcel would lie entirely within the commercial district. A copy of the 2003 ZBA Finding of Facts and Decision is attached. We are currently requesting that the ZBA deem that the entire subject property, including the additional area to be added upon filing of the subdivision map will be wholly contained within the IOC zone.

If you have any questions or comments regarding this information, please do not hesitate to contact our office.

Very truly yours,

INSITE ENGINEERING, SURVEYING & LANDSCAPE ARCHITECTURE, P.C.

By: 
John M. Watson, P.E.
Senior Principal Engineer

JMW/lmk

Enclosures

cc: Richard Esposito, Kent Development Associates, Inc, with enclosures

Insite File No. 18163.100

**ZO. JG BOARD OF APPEALS
TOWN OF KENT**

ZONING BOARD USE ONLY

25 Sybil's Crossing
Carmel, NY 10512

Z.B.A. No. _____

Case Adv. _____

Meeting _____

**REQUEST FOR HEARING
APPLICATION FOR VARIANCE**

- REQUIREMENTS:**
1. Application must be clearly printed or typed in triplicate.
 2. Application fee of \$ 500 must accompany completed form.
 3. (7) Seven copies of survey must be submitted with Application.
(Applicant's proposal, if any, must be shown)
 4. Applicant or representative must be present at Hearing.
 5. Applications should be submitted on the first day of the month in order to be reviewed the same month.
 6. It is the applicant's responsibility to notify all property owner(s) within 100 feet by certified, return receipt requested, letter of their intent to submit an Application for Variance.

TO BE COMPLETED BY APPLICANT:

Name and Mailing Address of Applicant:

(KENT DEVELOPMENT ASSOC., INC)
c/o RICHARD ESPOSITO
(3498 LANTERN BAY DRIVE)
(JUPITER, FL 33477)

Date of Application: 8-27-18
Location of
Property: N. HOARSEBOND RD
Lot No. or
Acreage: 3.264 AC +/-

Phone: 914-523-3683

Tax Map No. 12.-1-38

1. State actual variance requested:

VARY THE MAXIMUM DISTANCE FROM 50' TO 140' FOR
EXTENDING A ZONING DISTRICT BOUNDARY INTO A
LESS RESTRICTED ZONE PER § 77-5.A(3)

2. Does the property meet the requirements of Municipal Law 239-m? (Is the property located within 500 ft. of any state or county highway, town boundary, or county, town, city or state properties, etc.)?
☒ Yes ☐ No If so, please submit one (1) additional survey copy with application.

3. Has this request been presented to the Zoning Board prior to this date? ☐ Yes ☒ No
If so, supply date and decision of Board: N/A

4. Signature & Address of Owner:

(Signature)

(Please Print Name of Owner)

(Street)

(City, Town, State, Zip Code)

RICHARD ESPOSITO

3498 JUPITER LANTERN BAY DRIVE

JUPITER, FL, 33477

Mindful of the provisions of Section 809 of the General Municipal Law of the State of New York, and of New York, and of the Penal provisions thereof as well, the undersigned applicant states that no State Officer, Officer, or Employee of the Town of HEULTON or of the County of Putnam, has any interest, financial or otherwise, in this application or with, or in the applicant as defined in said Statute, except the following person or persons who is or are represented to have only the following type of interest, in the nature and to the extent hereinafter indicated:

☒ None

☐ Names: Addresses: Relationship or interest (financial or otherwise):

This disclosure addendum statement is annexed to and made a part of the petition, application and request made by the undersigned applicant to the following Board or Officer of Political Subdivision of the Town of

☐ TOWN BOARD
☒ ZONING BOARD OF APPEALS
☐ BUILDING INSPECTOR
☐ PLANNING BOARD

☐ ZONING ENFORCEMENT OFFICER
☐ ARCHITECTURAL REVIEW BOARD
☐ ENVIRONMENTAL CONSERVATION BOARD
☐ OTHER

Dated:


Individual Applicant


Corporate Applicant

By: B. Williams B. Posner
(Pres.) (Vice-Pres.) (Sec.) (Treas.)

(See Section 809 General Municipal Law on back)



TOWN OF KENT
ZONING BOARD OF APPEALS
531 Route 52
Kent Lakes, New York 10512

Building Department
(914) 225-3900
Town Hall
(914) 225-3843

**FINDING OF FACTS AND DECISION OF ZONING BOARD OF
APPEALS**

IN THE MATTER OF:

Petitioner: Bottlegate farms, Inc.
Location 1707 Route 6
of Property:
Tax Map # 22.-1-13
Request

- a. Extension of the C district boundary line 50' westerly into the PRD District per section 77-5. District boundary line divides lot owned by applicant and more than 50% of lot lies in the C district, which is the less restricted.
- b. Variance of Section 77-5.D from 25 feet to 215± and/or property line so that the commercial district extends to property line

Whereas, Said Board did, on the 15th day of November, 2002 and after due notice hold a public hearing on said appeal, at which hearing any and all persons interested in said appeal were given an opportunity to appear and be heard thereon; and

Whereas: Said Board has examined the application for the aforesaid petition for variance in relation to the circumstances and conditions affecting said property and those applying in the neighborhood of the same;

Now, Therefore, Be It Resolved: That Said Board does hereby find as follows:

The applicant has a single lot that is located in two zoning districts, one Commercial and the other PRD. The lot in question existed prior to the creation of these zones, and is now divided so that approximately 85% of the lot lies within the Commercial zone.

The Board noted that the law takes into consideration situations where zoning district boundaries cut across existing parcels and allows for the automatic shifting of zone lines by 25 feet in such

cases to create a consistently zoned parcel. However, in this instance, that accommodation was not sufficient to resolve the problem.

The Board felt that the matter would be resolved in a fashion consistent with the law and in the best interest of both the town and the applicant if the smaller portion of the lot, which currently falls within the PRD zone, would be included with the rest of the parcel within the existing Commercial zone.

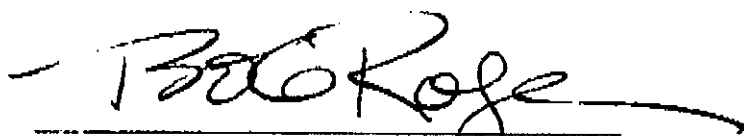
Decision: It was the decision of the Board to vary section 77-5.D from twenty-five feet (25') to a maximum of two-hundred-fifteen feet± (215'±) or to the current property line, whichever is less, so that the parcel will lie in its entirety within the Commercial District.

This decision is conditioned as follows:

All currently existing zoning violations as determined by the Building Inspector must be removed including, but not limited to the removal or registration of the white van and the 6-wheeled box delivery truck within 30 days of approval of this variance. Failure to comply with these conditions within the stipulated time period will render this variance null and void.

Certificate

I, Bob Rogers, Chair of the Zoning Board of Appeals of the Town of Kent, do hereby certify that the foregoing is a true copy of a decision of the Zoning Board of Appeals made at a meeting thereof duly called and held on the 15th day of November, 2002.



Chair

Date 1/15/03



Directions to Property from Town Hall

RE: Kent Development Associates
Commercial Lot
North Horsepound Road
Town of Kent, New York

From Town Hall take a right heading north on NYS Route 52. Go past the Kent Schools and at the bottom of the hill just before Ludingtonville Road, take a left on North Horsepound Road (at Gappy's Pizza), and past the residential house next to Gappy's. The project site is the next property on the right, (the north side of North Horsepound Road).

Re: Rynn bond

Sept 2/3

Julie Mangarillo <jmangarillo@rsaengrs.com>
Fri 8/28/2020 10:31 AM

To: Michael Rynn <mikerynn@gmail.com>
Cc: John Karell <jack4911@yahoo.com>; Planning Kent <planningkent@townofkentny.gov>

TOWN OF KENT NOTICE

THIS EMAIL IS FROM AN EXTERNAL SENDER!
DO NOT click links, DO NOT open attachments, DO NOT forward if you were not expecting
this email or if it seems suspicious in any way! REMEMBER: NEVER provide your user ID or
password to anyone for any reason!

Michael,

I will take a look at it & discuss it with the Planning Board at the workshop next week.

Thanks,
Julie

Julie S. Mangarillo, P.E., CPESC
Rohde, Soyka & Andrews Consulting Engineers, P.C.
40 Garden St, Poughkeepsie
Sent from my iPhone

- > On Aug 28, 2020, at 9:39 AM, Michael Rynn <mikerynn@gmail.com> wrote:
- >
- >
- > Good morning Julie
- > The line items On the bond estimate in a large part have been satisfied.
- > With the exception of the small amount of specialized grass seed within the bio filter basins
and the approximately 800 Square feet of new grass Along the driveway everything has been
established. The front lawn grass has been established for well over a year and that represents
a large part of the bond amount. I respectfully request an appropriate reduction in the bond.
- > Thank you very much for your understanding and cooperation
- > Michael Rynn
- > Sent from my iPhone

Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

From: Julie S. Mangarillo, P.E., CPESC

Subject: Erosion Control-
Permit close-out
Notice of Termination

Date: August 20, 2020

Project: Goldfine-Rynn, 91 Daffodil Ct
TM #11.12-1-21

The following is offered for consideration by the Planning Board:

1. Stabilization Inspection:

A stabilization inspection was conducted for this project on November 22, 2019 with the project developer, Michael Rynn and project engineer, Jack Karell. The majority of lawn areas were stabilized with grass growing and there were some plants in the "Biofilter Basins" but not the specialty grass. Some areas still required stabilization and the driveway was not paved.

Follow-up inspections were conducted on July 23, 2020 and August 18, 2020. The driveway has been paved and all outstanding comments have been addressed.

The previously disturbed area is now considered fully stabilized in accordance with NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001.

2. Notice of Termination (NOT):

Submitting the completed NOT (including completed MS4 sign-off on Page 2) to NYSDEC will close-out coverage under NYSDEC GP-0-20-001 and the Town of Kent Erosion Control Permit. Having the 'Qualified Professional' sign the Notice of Termination fulfills the requirement per Town of Kent Town Code, Chapter 66, §66-6.K(5) for a certification of completion of work.

A NYSDEC Notice of Termination (NOT) form was submitted by the applicant to the Town. The 'Qualified Professional' signed the NOT to fulfill the requirements of §66-6.K(5).

3. Erosion Control Bond:

Per Chapter 66, §66-7.A(2) regarding return of the erosion control bond: "The security shall remain in full force until the applicant and/or developer is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance..."

The site achieved final stabilization as of the August 18, 2020 inspection. The two-year waiting period began on 8/18/2020.

Memorandum
Goldfine-Rynn Daffodil Ct
TM # 11.12-1-21
August 20, 2020
Page 2 of 2

For other single-family home projects, the Planning Board has reduced the two year waiting period for bond return. If the Planning Board is considering a bond reduction, our recommendation is for the erosion control bond be held for at least one year to ensure the vegetation survives at least one winter.


The majority of lawn areas survived the winter, however, important grass seed for the "Biofilter Basins" wasn't established until spring 2020.

The erosion control bond is for \$17,401.00. We would have no objection to the Planning Board reducing the erosion control bond at this time, with the remainder held until next year.

4. Permit Close-out

Based on the stabilization inspection on August 18, 2020 attached hereto is the fully executed Notice of Termination.

Please let us know if you have any questions. Thank you.



Julia S. Mangarillo, P.E., CPESC

Attachment: Notice of Termination with MS4 Acceptance

cc: Planning Board via email
William Walters via email
Bruce Barber via email
Michael Rynn, via email
Jack Karell, via email
05-261-998-100

TOWN BOARD MEETING/WORKSHOP MAY 16, 2017

Goldfine/Rynn Resolution #205

Resolution #205 – Accept Erosion Control Bond & Escrow Fund TM # 11.12-1-21

On a motion by Councilwoman McGlasson
Seconded by Councilman Chin

WHEREAS, the Planning Board, at their meeting held on May 11, 2017, approved Resolution #11 of Year 2017 recommending that the Town Board accept an Erosion Control Bond in the amount of \$17,401 and an Escrow Fund for an Initial Inspection fee in the amount of \$1,000.00 from the owner of land located at Daffodil Lane, Kent, New York 10512, identified as Tax Map No. 11.12-21 (the "Lot"); and

WHEREAS, the Town Board of the Town of Kent wishes to follow the recommendations of the Planning Board;

NOW, THEREFORE BE IT RESOLVED, THAT THE Town Board of the Town of Kent hereby accepts the recommendation of the Planning Board and approves the posting of an Erosion Control Bond in the amount of \$17,401 and the establishment of an Escrow Fund for an Initial Inspection fee in the amount of \$1,000.00.

The motion carried unanimously.

RESOLUTION #11
2017

Date: April 28, 2017

From: The Kent Planning Board

To: The Kent Town Board
Maureen Fleming, Supervisor - w/Att.
Scott Chin
Paul Denbaum
Bill Huestis
Jaimie McGlasson

CC: W. Walters, Building Inspector - w/Att. J. Ramos - w/Att.
L. Cappelli, Town Clerk - w/Att. Finance Dept. - w/Att.
ispillane@hoganandrossi.com w att.

Re: Request to Accept an Erosion Control Performance Bond from:
Eric Goldfine Properties/Michael Rynn
Daffodil Lane
Kent, NY 10512
TM: 11.12-1-21

Resolved: On May 11, 2017 the Town of Kent Planning Board recommended that an Erosion Control Bond in the amount of \$17,401.00 and an inspection fee of \$1,000.00 be approved and accepted by the Kent Town Board. The motion was made by Mr. Tolmach and seconded by Mr. Lowes. The votes were as follows:

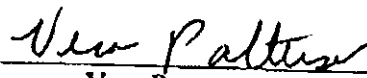
Michael McDermott, Chairman	-	<u>Aye</u>
Mr. Dennis Lowes, Vice Chairman	-	<u>Aye</u>
Mr. George Brunner	-	<u>Absent</u>
Mr. Gary Lam	-	<u>Absent</u>
Mr. Charles Sisto	-	<u>Aye</u>
Mr. Phillip Tolmach	-	<u>Aye</u>

The motion carried.

The Planning Board respectfully asks that, if the Town Board is in agreement, they pass a resolution decreeing that the above actions be taken.

I, Vera Patterson, Planning Board Secretary of the town of Kent, County of Putnam, State of New York, do hereby certify that the foregoing is a true excerpt from the minutes of a meeting of the Planning Board of the Town of Kent held on

Dated: May 11, 2017



Vera Patterson
Planning Board Secretary

Town of Kent Planning Board
Steep Slope and Erosion Control Permit Approval

Matter of Goldfine/Rynn

Whereas, the Town of Kent Planning Board has received an application from Eric Goldfine (hereinafter "Goldfine/Rynn") for Steep Slope and Erosion Control Permit approval for construction of a single family dwelling on property located at Daffodil Lane, tax parcel number 11.12-1-21; and

Whereas, the Planning Board determined that the Goldfine/Rynn project is a Type II Action under 6 NYCRR 617.5(c)(9); and

Whereas, in the interest of allowing the applicant to complete the work as soon as possible the Planning Board has waived a public hearing on the applications; and

Whereas, pursuant to §66-6(G) of the Town Code the Planning Board hereby finds that the proposed activity meets the standards for issuance of a Steep Slope and Erosion Control Permit, specifically:

1. The proposed activity is in accordance with the legislative findings listed in §66-2 of the Town Code; and
2. The proposed activity is in accordance with the principles and recommendations of the Town of Kent Master Plan; and
3. The proposed activity will not result in creep, sudden slope failure or additional erosion; and
4. The proposed activity will preserve and protect existing watercourses, floodplains and wetlands; and
5. The proposed activity will not adversely affect existing or proposed water supplies or sewage disposal systems; and
6. The proposed activity will stabilize all earth cut and fill slopes by vegetative or structural means;

Therefore Be It Resolved, pursuant to §66-6 of the Town Code the Planning Board grants Steep Slope and Erosion Control Permit approval subject to final plan review and approval by the Planning Board's Professional Engineer; and

Be It Further Resolved, the approvals granted herein are expressly conditioned on development of the project in accordance with the plans and details as depicted on a project plan map set entitled "*Soil Erosion Control Plan*" prepared by John Karell, Jr., P.E. dated May 11, 2006 and bearing a latest revision date of March 21, 2017; and

Be It Further Resolved, the Board recommends a performance bond in the amount of \$17,401.00 be approved by the Town Board; and

Be It Further Resolved, that this Erosion Control Permit approval is expressly conditioned on the completion and/or adherence to following:

- 1) *Address to the satisfaction of the Planning Board the comments of the Planning Board Professional Engineer as set forth in a memorandum dated May 8, 2017.*
- 2) *Prior to Chairman's signature on the project plans the following additional approvals and permits shall be obtained and any conditions following, or otherwise stated in this resolution, shall be complied with:*
 - a) *Planning Board Engineer approval of the plans to implement the Steep Slope and Erosion Control Permit.*
 - b) *Approval of a surety by the Town Board as set forth in §66-7 of the Town Code, and posting with the Town by the applicant of the surety in the amount(s) approved by the Town Board.*
- 3) *Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans. The erosion control may be changed or modified by order of the Planning Board Engineer or the Town Building Inspector based on field conditions.*
- 4) *Pursuant to Chapter 48 of the Town of Kent Code construction activity within the Town of Kent shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM.*
- 5) *Upon completion of all mitigation requirements the applicant shall contact the Town of Kent Planning Department to schedule an on-site inspection with the Planning Board Engineer and the Planning Board Environmental Consultant. Upon verification of satisfactory implementation of the mitigation plan the Planning Board shall issue a Certificate of Completion.*
- 6) *The performance guarantee bond shall be returned at the end of the three year period after issuance of the Certificate of Completion when the Planning Board receives confirmation by one of its representatives that all planted material is viable.*

- 7) Payment to the Town of Kent the following fees:
- a) Any unpaid or outstanding application fees.
 - b) Any review fees accrued by the Planning Board during the review of the application.
 - c) An inspection fee, in an amount to be established by the Planning Board, to cover the cost of construction and post-construction inspections by the Board's Professional Engineer, Wetland Consultant, and Planning Consultant.
- 8) It is the responsibility of the applicant/project sponsor to submit to the Planning Board proof that each of the conditions of this Approval have been completed and that the response to comments have been completed to the satisfaction of the Planning Board's Professional Engineer, the Planning Board's Environmental Consultant, and the Planning Board's Consulting Planner. The signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Consulting Planner verifying that each of the conditions of this Approval has been completed. The proposed final Sheets shall not be accepted by the Planning Board without submission of proof of completion.
- 9) This approval shall expire on the earlier completion of the work approved herein or one year from the date of approval of this resolution unless the Planning Board, in its sole discretion, grants a time extension as provided in §66-6(K)(4) of the Town Code, prior to the time of expiration and only upon the express written request of the applicant.

Motion: Phil Tolmach

Second: Dennis Lowes

Michael McDermott, Chairman Aye

Dennis Lowes, Vice Chairman Aye


George Brunner Absent

Gary Lam Absent

Charles Sisto Aye

Philip Tolmach Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on May 11, 2017.


Vera Patterson, Clerk
Town of Kent Planning Board

JOHN KARELL, JR., P.E.
121 CUSHMAN ROAD
PATTERSON, NEW YORK, 12563
845-878-7894 FAX 845 878 4939
jack4911@yahoo.com

BOND ESTIMATE: ERIC GOLDFINE, Daffodill Lane

ITEM	QUANTITY	UNIT	UNIT PRICE	TOTAL
Silt Fence	372	LF	1.75	651.00
Seed and Mulch	7500	SY	1.50	11,250.00
Construction Entrance	1	EA	500.00	500.00
Diversion swale	300	LF	5.00	1500.00
Bio Filter Basin	175	LF	20.00	3,500.00
TOTAL				\$17,401.00

November 12, 2015

ERIC I. GOLDFINE, SERPT
P.O. BOX 282
MAHOPAC FALLS, NY 10642

3670

UNRECEIVED
50-1139-219

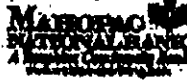
PAY
TO THE
ORDER OF

DATE

4/20/17

\$ 1,000.00

DOLLARS IN DOTS



FOR

⑈003670⑈ ⑈021911398⑈ 055⑈31249⑈7⑈

ERIC I. GOLDFINE, SERPT
P.O. BOX 282
MAHOPAC FALLS, NY 10642

3671

UNRECEIVED
50-1139-219

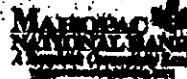
PAY
TO THE
ORDER OF

DATE

4/20/17

\$ 1,740.00

DOLLARS IN DOTS



FOR

⑈003671⑈ ⑈021911398⑈ 055⑈31249⑈7⑈

RECEIPT

DATE April 23, 2017 No. 152505

RECEIVED FROM Eric Goldfine / M. Ryan

\$1,000.00

One Thousand and 00/100

DOLLARS

☐ FOR RENT

☒ FOR Inspection / Escrow Fees - TM-11-12-1-21

ACCOUNT		
PAYMENT		
BAL. DUE		

☐ CASH
☒ CHECK
☐ MONEY ORDER
☐ CREDIT CARD

3670

FROM J. Patterson TO M. Ryan

BY

RECEIPT

DATE April 23, 2017 No. 152506

RECEIVED FROM Eric Goldfine / M. Ryan

\$1,740.00

Seventeen Thousand Four Hundred and one 00/100

DOLLARS

☐ FOR RENT

☐ FOR

ACCOUNT		
PAYMENT		

☐ CASH
☒ CHECK
☐ MONEY ORDER

3671

FROM J. Patterson TO M. Ryan

PERFORMANCE BOND FOR EROSION AND SEDIMENT CONTROL

Eric Goldfine Property

Daffodil Lane

Kent, NY 10512

Tax Map: 11-12-1-21

Bond given by **ERIC GOLDFINE**, whose property is located on Daffodil Lane/Tax Map: 11-12-1-21, Kent Lakes, New York, 10512 ("Obligor") to the Town of Kent, a municipal corporation whose Town Hall is located at 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Obligee"), dated April 20, 2017.

KNOW ALL MEN BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the sum of \$17,401.00, along with an initial inspection fee deposit of \$1,000.00 for the payment whereof to the Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor is seeking a Steep Slope and Erosion Control Permit from the Obligee for construction of a one family residence entailing a disturbance on steep slopes, as that term is defined in Town of Kent Town Code (the "Code") Chapter 66, on certain real property located in the Town of Kent, in connection with which an erosion and sediment control plan (the "Erosion and Sediment Control Plan") shall be required in accordance with the Code in effect as of the date of this Bond; and

WHEREAS, in conjunction with such Steep Slope and Erosion Control Permit application, the Obligor has submitted to the Obligee, plans and specifications for the project known as the "Goldfine Residence" ("Project Plans") and the Erosion and Sediment Control Plan, prepared by Michael Rynn, 7 Lakeside Road, Brewster, NY 10509 and such Project Plans and Erosion and Sediment Control Plan have been reviewed and approved by the Obligee; and

WHEREAS, as condition to the issuance and approval of a Steep Slope and Erosion Control Permit, the Code requires the owner or applicant, prior to construction, to provide the Obligee with a cash escrow an irrevocable letter of credit or a certified check drawn upon a national or state bank or other cash equivalent, which guarantees satisfactory completion of the Erosion and Sediment Control Plan, which security shall remain in full force and effect until the Obligor is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance or such other certification that the work permitted by the Steep Slope and Erosion and Control Permit has been completed in accordance with such Permit and all plans and specifications forming the basis of such approved Permit, and to pay an inspection fee in an amount as set from time to time by the Town of Kent Planning Board; and

WHEREAS, the Planning Board of the Town of Kent has granted the Steep Slope and Erosion Control Permit subject to the posting of two checks, one in the amount of \$17,401.00 as a performance guarantee and a second in the amount of \$1,000.00 as the final inspection fee, made out to the Town of Kent and delivered to:

The Kent Planning Board
25 Sybil's Crossing
Kent, NY 10512

NOW, THEREFORE, the condition of this performance obligation is such that, if the Obligor shall well and truly construct the aforesaid Project Plans in accordance with the Steep Slope and Erosion Control Permit approved by the Obligee and in accordance with the Erosion and Sediment Control Plan, and if said improvements are deemed complete and accepted by the Obligee, and Obligor is released from liability by the Obligee, then this obligation shall be null and void; otherwise, the obligation shall remain in full force and effect.

The Obligor shall at all times provide the Obligee with such security of surety as the Obligee shall deem sufficient. In furtherance of this covenant, the Obligor has obtained and hereby delivers to the Obligee the following security for faithful performance of this obligation:

Cash deposit in the form of an Official Bank Check drawn upon Mahopac National Bank and delivered to the Town of Kent Planning Board Clerk on April 20, 2017.

In the event the work according to the Erosion and Sediment Control Plan shall not have been fully completed as required by conditions and specifications of the Steep Slope and Erosion Control Permit, the Obligee shall have the right to withdraw the aforesaid cash deposit and complete the work with full use of said sums as the Obligee requires.

The Obligor agrees to execute and/or endorse and deliver to the Obligee and/or the aforesaid Bank any documents required for the Obligee to call upon said cash deposit.

When the work according to the Erosion and Sediment Control Plan shall have been fully completed, either by the Obligor or Obligee, and the Obligor is released from its liability by the Obligee, the aforesaid cash deposit or the balance of the funds remaining after the work has been completed by the Obligee, if any, shall be returned or refunded to the Obligor.

The Obligee and its agents, employees, engineers and/or planners are hereby expressly authorized to enter upon the Owner's property for the purpose of inspecting the erosion and sediment control system and the site work being performed in accordance with the approved Project Plans, Erosion and Sediment Control Plan and Steep Slope and Erosion Control Permit and to complete the work in the event the Obligee fails to do so.

This performance bond may not be assigned or transferred without the prior written approval of the Town Board of the Town of Kent.

1. The said bank checks shall be delivered to the Town of Kent and be deposited in an escrow account pending the completion of the project for which the erosion control measures are necessary;
2. No funds may be withdrawn from the said escrow account until a resolution has been duly made by the Town Board of The Town of Kent, authorizing such surrender or cashing.
3. Upon full completion of the work allowed pursuant to the conditions and specifications heretofore imposed by the Planning Board of The Town of Kent, the said escrow monies shall be returned to Eric Goldfine;
4. In the event the erosion control work allowed shall not have been duly completed by Eric Goldfine as per the conditions and specifications of the Planning Board of The Town of Kent, the Town Board shall have the right to withdraw the aforesaid escrow monies and complete the required work for Eric Goldfine with full use of said sums as the Town requires;
5. When the work shall have been fully completed as required by the conditions and specifications of the Planning Board either by Eric Goldfine or by the Town of Kent, the aforesaid escrow monies or the balance of funds remaining after the work has been completed shall be returned or refunded to Eric Goldfine.
6. This bond may not be assigned or transferred without the prior written approval of the Planning Board of The Town of Kent.

7. The applicant hereby expressly authorizes the Town of Kent, its agents, employees, engineer or planner to enter upon the Owner's/Applicant's property for the purpose of inspecting the erosion control system installed and the site work being performed in accordance with the approved plans, provided that the Town of Kent provides at least 24 hours notice to Eric Goldfine.

Dated: 4/20, 2016 2017

ERIC GOLDFINE

By: [Signature]
(signature)

ERIC GOLDFINE

(print/type signatory's name)
Eric Goldfine

Owner/Obligee
(print/type signatory's title)

STATE OF New York) ss.:
COUNTY OF Putnam

On the 20 day of April, 2017, before me, the undersigned, a notary public in and for said state, personally appeared Eric Goldfine, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]
NOTARY PUBLIC

SUE CASALE
Notary Public State of New York
Qualified in Westchester County
Reg. No. 01CA0234199
My Commission expires Jan. 18, 2019

Eric Goldfine

[Signature]
(signature)

Owner
(print/type signatory's title)

STATE OF NY) ss.:
COUNTY OF Putnam

JOHN KARELL, JR., P.E.
121 CUSHMAN ROAD
PATTERSON, NEW YORK, 12563
845-878-7894 FAX 845 878 4939
jack4211@yahoo.com

April 16, 2017

RESPONSE TO COMMENTS, JULIE MANGARILLO, P.E., DATED APRIL 13, 2017
GOLDFINE/RYNN SINGLE FAMILY HOUSE, TM # 11.12-1-21

1. NOI

- Dates revised.
- WQv correct
- Final NOI and acceptance form attached.

2. Rohde, P.E. comments December 9, 2016

- Catch basins provided on both sides of driveway
- The deed will be modified prior to issuance of a CO and/or NOT providing for the maintenance of the stormwater practices.
- A centerline profile will be provided to the Town prior to paving the driveway.
- Updated Health Department approval is attached, expiring in November 2017.


John Karell, Jr., P.E.

Town of Kent Planning Board
25 Sybil's Crossing
Tel: 845-225-7802

email: planningkent@townofkentny.gov
Kent, NY 10512
Fax: 845-306-5283

RESOLUTION # 8
Year 2020

Date: September 10, 2020
From: The Kent Planning Board
To: The Kent Town Board:
Maureen Fleming, Supervisor - w/Att
Bill Huestis, Deputy Supervisor
Paul Denbaum
Jaimie McGlasson
Chris Ruthven
CC: W. Walters, Building Inspector - w/Att T. Harrison - w/Att.
L. Cappelli, Town Clerk - w/Att Finance Department - w/Att.
Re: **Recommendation to return a Portion of Goldfine-Rynn Erosion Control Bond**
P. O. Box 262
Mahopac Falls, NY 10542
For Property located on:
Daffodil Lane, Kent, NY
TM: 11.12-1-21

Resolved: On September 10, 2020 Kent Planning Board reviewed material pertaining to the recommendation noted above and agreed that it was appropriate to forward it to the Town Board for their action.

Mr. Tolmach asked for a motion to forward this recommendation to the Kent Town Board to take the above action. The motion was made by Stephen Wilhelm and seconded by Simon Carey. The roll call vote was as follows:

Phil Tolmach, Chairman	<u>Aye</u>
Simon Carey	<u>Aye</u>
Giancarlo Gattucci	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Nisim Sachakov	<u>Absent</u>
Charles Sisto	<u>Aye</u>
Stephen Wilhelm	<u>Aye</u>

The motion carried.

The Planning Board respectfully asks that, if the Town Board is in agreement, they accept the recommendation of the Planning Board to return \$12,401.00 of the original Erosion Control Bond which was \$17,401.00. The remaining \$5,000.00 shall be held until an inspection in the spring of 2021. .

I, Vera Patterson, Planning Board Secretary of the town of Kent, County of Putnam, State of New York, do hereby certify that the foregoing is a true excerpt from the minutes of a meeting of the Planning Board of the Town of Kent held on September 10, 2020.

Dated: September 10, 2020



Vera Patterson
Planning Board Secretary

Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

From: Julie S. Mangarillo, P.E., CPESC

Subject: Erosion Control—
Bond reduction request

Date: September 9, 2020

Project: Goldfine-Rynn, 91 Daffodil Ct
TM #11.12-1-21

The following is offered for consideration by the Planning Board from the permit close-out memo dated August 20, 2020:

3. Erosion Control Bond:

Per Chapter 66, §66-7.A(2) regarding return of the erosion control bond: "The security shall remain in full force until the applicant and/or developer is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance..."

The site achieved final stabilization as of the August 18, 2020 inspection. The two-year waiting period began on 8/18/2020.

For other single-family home projects, the Planning Board has reduced the two year waiting period for bond return. If the Planning Board is considering a bond reduction, our recommendation is for the erosion control bond be held for at least one year to ensure the vegetation survives at least one winter.

The majority of lawn areas survived the winter, however, important grass seed for the "Biofilter Basins" wasn't established until spring 2020.

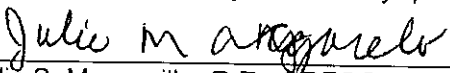
The erosion control bond is for \$17,401.00. We would have no objection to the Planning Board reducing the erosion control bond at this time, with the remainder held until next year.

New Comment:

Based upon an analysis of the bond estimate prepared by John Karell, Jr., P.E., dated November 12, 2015 and our previous site visits, if the Planning Board is considering a bond reduction, we recommend the following:

1. The Town to hold \$5,000, which covers the diversion swale and the Bio Filter Basins, until an inspection next spring shows the vegetation remains in good condition.
2. The Town release the remaining \$12,401 as the majority of the site has been stabilized for more than one year.

Please let us know if you have any questions. Thank you.


Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
William Walters via email
Jack Karell, via email

Bruce Barber via email
Michael Rynn, via email
05-261-999-100

TOWN BOARD MEETING/WORKSHOP MAY 16, 2017

Goldfine/Rynn Resolution #205

Resolution #205 – Accept Erosion Control Bond & Escrow Fund TM # 11.12-1-21

On a motion by Councilwoman McGlasson

Seconded by Councilman Chin

WHEREAS, the Planning Board, at their meeting held on May 11, 2017, approved Resolution #11 of Year 2017 recommending that the Town Board accept an Erosion Control Bond in the amount of \$17,401 and an Escrow Fund for an initial inspection fee in the amount of \$1,000.00 from the owner of land located at Daffodil Lane, Kent, New York 10512, identified as Tax Map No. 11.12-21 (the "Lot"); and

WHEREAS, the Town Board of the Town of Kent wishes to follow the recommendations of the Planning Board;

NOW, THEREFORE BE IT RESOLVED, THAT THE Town Board of the Town of Kent hereby accepts the recommendation of the Planning Board and approves the posting of an Erosion Control Bond in the amount of \$17,401 and the establishment of an Escrow Fund for an initial inspection fee in the amount of \$1,000.00.

The motion carried unanimously.

RESOLUTION #11
2017

Date: April 28, 2017

From: The Kent Planning Board

To: The Kent Town Board
Maureen Fleming, Supervisor - w/Att.
Scott Chin
Paul Denbaum
Bill Huestis
Jaimie McGlasson

CC: W. Walters, Building Inspector - w/Att. J. Ramos - w/Att.
L. Cappelli, Town Clerk - w/Att. Finance Dept. - w/Att.
jspillane@hoganandrossi.com w att.

Re: Request to Accept an Erosion Control Performance Bond from:
Eric Goldfine Properties/Michael Rynn
Daffodil Lane
Kent, NY 10512
TM: 11.12-1-21

Resolved: On May 11, 2017 the Town of Kent Planning Board recommended that an Erosion Control Bond in the amount of \$17,401.00 and an inspection fee of \$1,000.00 be approved and accepted by the Kent Town Board. The motion was made by Mr. Tolmach and seconded by Mr. Lowes. The votes were as follows:

Michael McDermott, Chairman	-	<u>Aye</u>
Mr. Dennis Lowes, Vice Chairman	-	<u>Aye</u>
Mr. George Brunner	-	<u>Absent</u>
Mr. Gary Lam	-	<u>Absent</u>
Mr. Charles Sisto	-	<u>Aye</u>
Mr. Phillip Tolmach	-	<u>Aye</u>

The motion carried.

The Planning Board respectfully asks that, if the Town Board is in agreement, they pass a resolution decreeing that the above actions be taken.

I, Vera Patterson, Planning Board Secretary of the town of Kent, County of Putnam, State of New York, do hereby certify that the foregoing is a true excerpt from the minutes of a meeting of the Planning Board of the Town of Kent held on

Dated: May 11, 2017



Vera Patterson
Planning Board Secretary

Town of Kent Planning Board
Steep Slope and Erosion Control Permit Approval

Matter of Goldfine/Rynn

Whereas, the Town of Kent Planning Board has received an application from Eric Goldfine (hereinafter "Goldfine/Rynn") for Steep Slope and Erosion Control Permit approval for construction of a single family dwelling on property located at Daffodil Lane, tax parcel number 11.12-1-21; and

Whereas, the Planning Board determined that the Goldfine/Rynn project is a Type II Action under 6 NYCRR 617.5(c)(9); and

Whereas, in the interest of allowing the applicant to complete the work as soon as possible the Planning Board has waived a public hearing on the applications; and

Whereas, pursuant to §66-6(G) of the Town Code the Planning Board hereby finds that the proposed activity meets the standards for issuance of a Steep Slope and Erosion Control Permit, specifically:

1. The proposed activity is in accordance with the legislative findings listed in §66-2 of the Town Code; and
2. The proposed activity is in accordance with the principles and recommendations of the Town of Kent Master Plan; and
3. The proposed activity will not result in creep, sudden slope failure or additional erosion; and
4. The proposed activity will preserve and protect existing watercourses, floodplains and wetlands; and
5. The proposed activity will not adversely affect existing or proposed water supplies or sewage disposal systems; and
6. The proposed activity will stabilize all earth cut and fill slopes by vegetative or structural means;

Therefore Be It Resolved, pursuant to §66-6 of the Town Code the Planning Board grants Steep Slope and Erosion Control Permit approval subject to final plan review and approval by the Planning Board's Professional Engineer; and

Be It Further Resolved, the approvals granted herein are expressly conditioned on development of the project in accordance with the plans and details as depicted on a project plan map set entitled "*Soil Erosion Control Plan*" prepared by John Karell, Jr., P.E. dated May 11, 2006 and bearing a latest revision date of March 21, 2017; and

Be It Further Resolved, the Board recommends a performance bond in the amount of \$17,401.00 be approved by the Town Board; and

Be It Further Resolved, that this Erosion Control Permit approval is expressly conditioned on the completion and/or adherence to following:

- 1) *Address to the satisfaction of the Planning Board the comments of the Planning Board Professional Engineer as set forth in a memorandum dated May 8, 2017.*
- 2) *Prior to Chairman's signature on the project plans the following additional approvals and permits shall be obtained and any conditions following, or otherwise stated in this resolution, shall be complied with:*
 - a) *Planning Board Engineer approval of the plans to implement the Steep Slope and Erosion Control Permit.*
 - b) *Approval of a surety by the Town Board as set forth in §66-7 of the Town Code, and posting with the Town by the applicant of the surety in the amount(s) approved by the Town Board.*
- 3) *Prior to commencement of site work all required erosion control measures shall be implemented as shown on the approved plans. The erosion control may be changed or modified by order of the Planning Board Engineer or the Town Building Inspector based on field conditions.*
- 4) *Pursuant to Chapter 48 of the Town of Kent Code construction activity within the Town of Kent shall be limited to Monday through Friday from 7:00 AM to 9:00 PM, and Saturday and Sunday from 8:00 AM to 9:00 PM.*
- 5) *Upon completion of all mitigation requirements the applicant shall contact the Town of Kent Planning Department to schedule an on-site inspection with the Planning Board Engineer and the Planning Board Environmental Consultant. Upon verification of satisfactory implementation of the mitigation plan the Planning Board shall issue a Certificate of Completion.*
- 6) *The performance guarantee bond shall be returned at the end of the three year period after issuance of the Certificate of Completion when the Planning Board receives confirmation by one of its representatives that all planted material is viable.*

7) *Payment to the Town of Kent the following fees:*

- a) Any unpaid or outstanding application fees.*
- b) Any review fees accrued by the Planning Board during the review of the application.*
- c) An inspection fee, in an amount to be established by the Planning Board, to cover the cost of construction and post-construction inspections by the Board's Professional Engineer, Wetland Consultant, and Planning Consultant.*

8) *It is the responsibility of the applicant/project sponsor to submit to the Planning Board proof that each of the conditions of this Approval have been completed and that the response to comments have been completed to the satisfaction of the Planning Board's Professional Engineer, the Planning Board's Environmental Consultant, and the Planning Boards Consulting Planner. The signature of the Planning Board Chairman shall be withheld pending receipt of a written memorandum from the Planning Board's Consulting Planner verifying that each of the conditions of this Approval has been completed. The proposed final Sheets shall not be accepted by the Planning Board without submission of proof of completion.*

9) *This approval shall expire on the earlier completion of the work approved herein or one year from the date of approval of this resolution unless the Planning Board, in its sole discretion, grants a time extension as provided in §66-6(K)(4) of the Town Code, prior to the time of expiration and only upon the express written request of the applicant.*

Motion: Phil Tolmach

Second: Dennis Lowes

Michael McDermott, Chairman Aye

Dennis Lowes, Vice Chairman Aye

George Brunner Absent

Gary Lam Absent

Charles Sisto Aye

Philip Tolmach Aye

I certify that the above resolution was adopted by the Town of Kent Planning Board at a meeting of the Board held on May 11, 2017.


Vera Patterson, Clerk
Town of Kent Planning Board

JOHN KARELL, JR., P.E.
121 CUSHMAN ROAD
PATTERSON, NEW YORK, 12563
845-878-7894 FAX 845 878 4939
jack4911@yahoo.com

BOND ESTIMATE: ERIC GOLDFINE, Daffodill Lane

ITEM	QUANTITY	UNIT	UNIT PRICE	TOTAL
Silt Fence	372	LF	1.75	651.00
Seed and Mulch	7500	SY	1.50	11,250.00
Construction Entrance	1	EA	500.00	500.00
Diversion swale	300	LF	5.00	1500.00
Bio Filter Basin	175	LF	20.00	3,500.00
TOTAL				\$17,401.00

November 12, 2015

ERIC I. GOLDFINE, SERPT
P.O. BOX 262
MAHOPAC FALLS, NY 10542

3070

50-1139-219

PAY
TO THE
ORDER OF

DATE

4/20/17

\$ 1,000.00

DOLLARS

MAHOPAC
NATIONAL BANK
A Township Community Bank
www.mahopacbanking.com

FOR

⑈003670⑈ ⑆021911398⑆ 055⑈31249⑈7⑈

ERIC I. GOLDFINE, SERPT
P.O. BOX 262
MAHOPAC FALLS, NY 10542

3671

50-1139-219

PAY
TO THE
ORDER OF

DATE

4/20/17

\$ 17,401.00

DOLLARS

MAHOPAC
NATIONAL BANK
A Township Community Bank
www.mahopacbanking.com

FOR

⑈003671⑈ ⑆021911398⑆ 055⑈31249⑈7⑈

RECEIPT

DATE April 23, 2017

No. 152505

RECEIVED FROM

Eric Goldfine / M. Ryan

\$ 1,000.00

One Thousand and 00/100

DOLLARS

FOR RENT

FOR

Inspection / Escrow Fees TM-11-12-1-21

ACCOUNT

PAYMENT

BAL DUE

CASH

CHECK

MONEY

ORDER

CREDIT

CARD

3670

FROM V. Patterson TO M. Ryan

BY

RECEIPT

DATE April 23, 2017

No. 152506

RECEIVED FROM

Eric Goldfine / M. Ryan

\$ 17,401.00

Seventeen Thousand Four Hundred and one 00/100

DOLLARS

FOR RENT

FOR

ACCOUNT

PAYMENT

CASH

CHECK

MONEY

ORDER

CREDIT

CARD

3671

FROM V. Patterson TO M. Ryan

BY

PERFORMANCE BOND FOR EROSION AND SEDIMENT CONTROL

Eric Goldfine Property

Daffodil Lane

Kent, NY 10512

Tax Map: 11.-12-1-21

Bond given by **ERIC GOLDFINE**, whose property is located on Daffodil Lane/Tax Map: 11.-12-1-21, Kent Lakes, New York, 10512 ("Obligor") to the Town of Kent, a municipal corporation whose Town Hall is located at 25 Sybil's Crossing, Kent Lakes, New York, 10512 ("Obligee"), dated April 20, 2017.

KNOW ALL MEN BY THESE PRESENTS that the Obligor is held and firmly bound unto the Obligee in the sum of \$17,401.00, along with an initial inspection fee deposit of \$1,000.00 for the payment whereof to the Obligee the said Obligor binds itself, its successors and assigns.

WHEREAS, Obligor is seeking a Steep Slope and Erosion Control Permit from the Obligee for construction of a one family residence entailing a disturbance on steep slopes, as that term is defined in Town of Kent Town Code (the "Code") Chapter 66, on certain real property located in the Town of Kent, in connection with which an erosion and sediment control plan (the "Erosion and Sediment Control Plan") shall be required in accordance with the Code in effect as of the date of this Bond; and

WHEREAS, in conjunction with such Steep Slope and Erosion Control Permit application, the Obligor has submitted to the Obligee, plans and specifications for the project known as the "Goldfine Residence" ("Project Plans") and the Erosion and Sediment Control Plan, prepared by Michael Rynn, 7 Lakeside Road, Brewster, NY 10509 and such Project Plans and Erosion and Sediment Control Plan have been reviewed and approved by the Obligee; and

WHEREAS, as condition to the issuance and approval of a Steep Slope and Erosion Control Permit, the Code requires the owner or applicant, prior to construction, to provide the Obligee with a cash escrow an irrevocable letter of credit or a certified check drawn upon a national or state bank or other cash equivalent, which guarantees satisfactory completion of the Erosion and Sediment Control Plan, which security shall remain in full force and effect until the Obligor is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance or such other certification that the work permitted by the Steep Slope and Erosion and Control Permit has been completed in accordance with such Permit and all plans and specifications forming the basis of such approved Permit, and to pay an inspection fee in an amount as set from time to time by the Town of Kent Planning Board; and

WHEREAS, the Planning Board of the Town of Kent has granted the Steep Slope and Erosion Control Permit subject to the posting of two checks, on in the amount of \$17,401.00 as a performance guarantee and a second in the amount of \$1,000.00 as the final inspection fee, made out to the Town of Kent and delivered to:

The Kent Planning Board
25 Sybil's Crossing
Kent, NY 10512

NOW, THEREFORE, the condition of this performance obligation is such that, if the Obligor shall well and truly construct the aforesaid Project Plans in accordance with the Steep Slope and Erosion Control Permit approved by the Obligee and in accordance with the Erosion and Sediment Control Plan, and if said improvements are deemed complete and accepted by the Obligee, and Obligor is released from liability by the Obligee, then this obligation shall be null and void; otherwise, the obligation shall remain in full force and effect.

The Obligor shall at all times provide the Obligee with such security of surety as the Obligee shall deem sufficient. In furtherance of this covenant, the Obligor has obtained and hereby delivers to the Obligee the following security for faithful performance of this obligation:

Cash deposit in the form of an Official Bank Check drawn upon Mahopac National Bank and delivered to the Town of Kent Planning Board Clerk on April 20, 2017.

In the event the work according to the Erosion and Sediment Control Plan shall not have been fully completed as required by conditions and specifications of the Steep Slope and Erosion Control Permit, the Obligee shall have the right to withdraw the aforesaid cash deposit and complete the work with full use of said sums as the Obligee requires.

The Obligor agrees to execute and/or endorse and deliver to the Obligee and/or the aforesaid Bank any documents required for the Obligee to call upon said cash deposit.

When the work according to the Erosion and Sediment Control Plan shall have been fully completed, either by the Obligor or Obligee, and the Obligor is released from its liability by the Obligee, the aforesaid cash deposit or the balance of the funds remaining after the work has been completed by the Obligee, if any, shall be returned or refunded to the Obligor.

The Obligee and its agents, employees, engineers and/or planners are hereby expressly authorized to enter upon the Owner's property for the purpose of inspecting the erosion and sediment control system and the site work being performed in accordance with the approved Project Plans, Erosion and Sediment Control Plan and Steep Slope and Erosion Control Permit and to complete the work in the event the Obligee fails to do so.

This performance bond may not be assigned or transferred without the prior written approval of the Town Board of the Town of Kent.

1. The said bank checks shall be delivered to the **Town of Kent** and be deposited in an escrow account pending the completion of the project for which the erosion control measures are necessary;
2. No funds may be withdrawn from the said escrow account until a resolution has been duly made by the **Town Board of The Town of Kent**, authorizing such surrender or cashing.
3. Upon full completion of the work allowed pursuant to the conditions and specifications heretofore imposed by the **Planning Board of The Town of Kent**, the said escrow monies shall be returned to **Eric Goldfine**;
4. In the event the erosion control work allowed shall not have been duly completed by **Eric Goldfine** as per the conditions and specifications of the **Planning Board of The Town of Kent**, the **Town Board** shall have the right to withdraw the aforesaid escrow monies and complete the required work for **Eric Goldfine** with full use of said sums as the Town requires;
5. When the work shall have been fully completed as required by the conditions and specifications of the **Planning Board** either by **Eric Goldfine** or by the **Town of Kent**, the aforesaid escrow monies or the balance of funds remaining after the work has been completed shall be returned or refunded to **Eric Goldfine**.
6. This bond may not be assigned or transferred without the prior written approval of the **Planning Board of The Town of Kent**.

7. The applicant hereby expressly authorizes the Town of Kent, its agents, employees, engineer or planner to enter upon the Owner's/Applicant's property for the purpose of inspecting the erosion control system installed and the site work being performed in accordance with the approved plans, provided that the Town of Kent provides at least 24 hours notice to Eric Goldfine.

Dated: 4/20, 2016 2017

ERIC GOLDFINE

By: 

(signature)

ERIC GOLDFINE

(print/type signatory's name)

Eric Goldfine

Owner/Obligee

(print/type signatory's title)

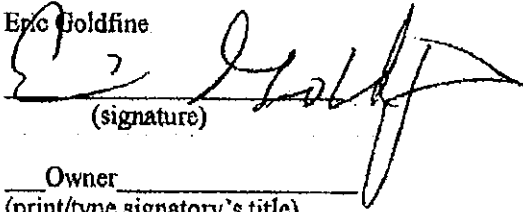
STATE OF New York
COUNTY OF Putnam) ss.:

On the 20 day of April, 2017, before me, the undersigned, a notary public in and for said state, personally appeared Eric Goldfine, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


NOTARY PUBLIC

SUE CASALE
Notary Public State of New York
Qualified In Westchester County
Reg. No. 01CA6234199
My Commission expires Jan. 18, 2019

Eric Goldfine


(signature)

Owner

(print/type signatory's title)

STATE OF NY
COUNTY OF Putnam) ss.:



**ROHDE, SOYKA
& ANDREWS**
Consulting Engineers, P.C.

40 Garden Street
Poughkeepsie, NY 12601
Phone: (845) 452-7515 Fax: (845) 452-8335
E-Mail Address: jmangarillo@rsaengrs.com

Wilfred A. Rohde, P.E. • Michael W. Soyka, P.E. • John V. Andrews, Jr., P.E.

Memorandum

To: Planning Board
Town of Kent

Attn: Philip Tolmach
Chairman

From: Julie S. Mangarillo, P.E., CPESC

Subject: Erosion Control–
Bond reduction request

Date: September 9, 2020

Project: Goldfine-Rynn, 91 Daffodil Ct
TM #11.12-1-21

The following is offered for consideration by the Planning Board from the permit close-out memo dated August 20, 2020:

3. Erosion Control Bond:

Per Chapter 66, §66-7.A(2) regarding return of the erosion control bond: "The security shall remain in full force until the applicant and/or developer is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance..."

The site achieved final stabilization as of the August 18, 2020 inspection. The two-year waiting period began on 8/18/2020.

For other single-family home projects, the Planning Board has reduced the two year waiting period for bond return. If the Planning Board is considering a bond reduction, our recommendation is for the erosion control bond be held for at least one year to ensure the vegetation survives at least one winter.

The majority of lawn areas survived the winter, however, important grass seed for the "Biofilter Basins" wasn't established until spring 2020.

The erosion control bond is for \$17,401.00. We would have no objection to the Planning Board reducing the erosion control bond at this time, with the remainder held until next year.

New Comment:

Based upon an analysis of the bond estimate prepared by John Karell, Jr., P.E., dated November 12, 2015 and our previous site visits, if the Planning Board is considering a bond reduction, we recommend the following:

1. The Town to hold \$5,000, which covers the diversion swale and the Bio Filter Basins, until an inspection next spring shows the vegetation remains in good condition.
2. The Town release the remaining \$12,401 as the majority of the site has been stabilized for more than one year.

Please let us know if you have any questions. Thank you.

Julie S. Mangarillo, P.E., CPESC

cc: Planning Board via email
William Walters via email
Jack Karell, via email

Bruce Barber via email
Michael Rynn, via email
05-261-999-100



Memorandum

To:	Planning Board Town of Kent	Attn:	Philip Tolmach Chairman
From:	Julie S. Mangarillo, P.E., CPESC	Subject:	Erosion Control- Permit close-out Notice of Termination
Date:	August 20, 2020	Project:	Goldfine-Rynn, 91 Daffodil Ct TM #11.12-1-21

The following is offered for consideration by the Planning Board:

1. Stabilization Inspection:

A stabilization inspection was conducted for this project on November 22, 2019 with the project developer, Michael Rynn and project engineer, Jack Karell. The majority of lawn areas were stabilized with grass growing and there were some plants in the "Biofilter Basins" but not the specialty grass. Some areas still required stabilization and the driveway was not paved.

Follow-up inspections were conducted on July 23, 2020 and August 18, 2020. The driveway has been paved and all outstanding comments have been addressed.

The previously disturbed area is now considered fully stabilized in accordance with NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity Permit No. GP-0-20-001.

2. Notice of Termination (NOT):

Submitting the completed NOT (including completed MS4 sign-off on Page 2) to NYSDEC will close-out coverage under NYSDEC GP-0-20-001 and the Town of Kent Erosion Control Permit. Having the 'Qualified Professional' sign the Notice of Termination fulfills the requirement per Town of Kent Town Code, Chapter 66, §66-6.K(5) for a certification of completion of work.

A NYSDEC Notice of Termination (NOT) form was submitted by the applicant to the Town. The 'Qualified Professional' signed the NOT to fulfill the requirements of §66-6.K(5).

3. Erosion Control Bond:

Per Chapter 66, §66-7.A(2) regarding return of the erosion control bond: "The security shall remain in full force until the applicant and/or developer is released from liability by the Town, provided that such period shall not be less than two years from the date of final acceptance..."

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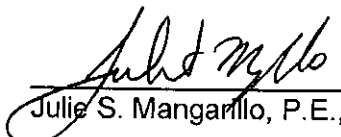
The majority of lawn areas survived the winter, however, important grass seed for the "Biofilter Basins" wasn't established until spring 2020.

The erosion control bond is for \$17,401.00. We would have no objection to the Planning Board reducing the erosion control bond at this time, with the remainder held until next year.

4. Permit Close-out

Based on the stabilization inspection on August 18, 2020 attached hereto is the fully executed Notice of Termination.

Please let us know if you have any questions. Thank you.



Julie S. Mangarillo, P.E., CPESC

Attachment: Notice of Termination with MS4 Acceptance

cc: Planning Board via email
William Walters via email
Bruce Barber via email
Michael Rynn, via email
Jack Karell, via email
05-261-999-100